

the CARÉ: Yes, M. Sangnier, there was love of justice and made us hate those who did violence to justice. But there is a time for hate and there may be a time for generosity, but times, generosity may be stronger and more fertile than when it does not precede repentance, the loyal execution of ties, and respect for signed agreements. We can pardon doubtless we should forget many injuries, if Germany kept the agreements, if she did not discuss everything apropos of the thing—now Germany's responsibility for the war, now the damnation of guilty officers, now disarmament, now reparations. Every day, in fact, brings us proof of the ill-will of Germany. Why was not M. Marc Sangnier, who just interrupted me; why was not M. Albert Favre, whom I regret no longer to see before me, present at the meeting of the Reichstag in Berlin two days ago? They would have seen the German flag waving, the galleries decorated with Silesian colors, yellow and white, banded with crepe, and many deputies in mourning—they were about to ratify the Upper Silesian conventions. Some deputies declared that the division of that province was a violation of right, a political folly, an economic crime, and the chancellor of the Empire himself, Herr Wirth, called the Treaty of Versailles in so many words a treaty of destruction and of combat. At the same moment in Munich the Populists were calling upon the Government to demand a rejection of reparations, a revision of the question of war responsibilities, and abolition of the sanctions. That is the state of mind which assures the honorable M. Sangnier and the honorable M. Albert Favre.

M. SANGNIER: Will you permit me to reply?

M. POINCARÉ: Gladly.

M. SANGNIER: Because I know that state of mind, because I fear it, and because I consider it a great danger for my country and for the peace of the world, I hold it indispensable to discriminate between the two Germans and however few you may consider those Germans—on this point we are not in agreement who really want peace, we must reach out our hands to them and not pronounce a single word which might make them believe that we regard them all with the same universal reprobation.

M. RILLART DE VERNEUIL: Go meditate upon love in the graveyards of the front; go meditate upon love in our ruins.

M. MARC SANGNIER: The more I listen to the Prime Minister, the more I realize that there are, in fact, militarist and imperialist forces in Germany seeking to raise their heads victoriously, the more indignant I become at the interruptions from the right of this Chamber, which make people abroad believe that we do not reach out our hands to the pacific Germany. (Applause at the extreme left and on various benches at the left. Exclamations in the center and on the right.)

Macedonia for the Macedonians

THE following appeal has been sent by the Macedonian students in Sofia to the president of the Slav Union Students at Prague.

You have more than once heard of the bloody tragedy played in the recent past in the center of the Balkan peninsula, the victim of which was the Macedonian population, namely, the Bulgarians. Scarcely freed from the spiritual yoke of Greece, the Bulgarians of Macedonia, deprived of political life, systematically ruined by the Turkish Government and the big Turkish land-owners, found themselves driven to raise, with the greatest self-sacrifice, the standard of freedom, and hundreds gave their lives for the attainment of their ideal: Macedonia for the Macedonians. Pillage, murder, and terrorization by the Turkish authorities failed to hinder or stifle the noble aspirations or to destroy the unconquerable energy manifested by the Macedonian Bulgarian. On the contrary, the enthusiasm spread to the men and children; in towns and villages every soul joined in the struggle for freedom. Europe looked on astonished at such

sacrifice of blood and energy, and more than once undertook the task of introducing order in the country. Alas, with no result. Such was the situation in Macedonia when the Balkan war broke out, which ended with its partition and its subjection to crueler conditions than ever before. Instead of freeing our native land and raising it at least to the level of an autonomous independent state, the Bucharest treaty partitioned it between its neighbors, treating it as matter without a soul.

The protests of the Macedonian population against such inhuman disregard of its will should be fresh in your minds. The mountains have reechoed with the movement of thousands of revolutionaries carrying on the struggle for independence. Finally the World War broke out and the future conquerors declared to all who would hear that they warred for justice and enduring peace, based on the principle that every nation should have the right to decide for itself. Our disillusion was complete on the conclusion of the Paris treaties. They showed clearly the bankruptcy of justice and the ignominy of the twentieth century. Never has humanity fallen so low as on this occasion. The great Powers, which only six years earlier had insistently demanded of the Turkish Empire human rights for Macedonia when its destiny was in their hands, abandoned it without mercy or shame to utter ruin. They partitioned a geographically compact country, containing all the conditions for an independent life, and flung its heroic population into the hands of its worst enemies: the Serbians and Greeks. And for conscience' sake they introduced in the treaty a clause for the protection of minorities with no intention of ever seeing it applied.

What is the new situation of Macedonia under Slav Serbia and non-Slav Greece?

Dear Colleagues, at this writing the bloody pages of Macedonia continue to receive records of pillage, murder, violation perpetrated by the new rulers. Never has there existed a more violent oppression than the present one. The Serbian Government has organized professional brigands, who rob and terrorize the defenseless population. The life and property and honor of the Macedonian are at the mercy of bands of such brigands. They go from village to village, beat, rob, burn, violate, and threaten not to leave a Bulgarian alive, protected and supported by the authorities, who talk very bravely in Prague and Warsaw of civilization and Slav brotherhood while committing sacrilege against the noble and worthy Slav statesman, Kramari, who said: "The Slav who oppresses a Slav is not a Slav."

The corruption in the Serbian administration of Macedonia surpasses that of the preceding Turkish; Serbian teachers terrorize the youth, who are constrained to attend Serbian schools, into absorbing Serbian ideas. Thousands of youths are thus deprived of the possibility of learning to read their mother tongue. Everything Bulgarian is persecuted to the death. Only a few Macedonians, starving for national education, have succeeded to escape abroad, there, hungry, cold, and destitute, to work for the emancipation of their country.

Dear Colleagues, we hesitate to describe to you the cruel sufferings of Macedonia. We could not do it, nor would you believe them: they would appear in your eyes, described by us, fantastic and impossible. But we may submit such a description as given in the Serbian press. Read a Belgrade paper of September 2 last, under the heading Cold and Darkness Everywhere: "For three years the decimation of the poor and the long suffering of the people of South Serbia [Macedonia] has been going on. There today the sun of liberty does not shine, gives no warmth. There cold and darkness, blood, sacrifice, incendiarism, are the rule—as in the Turkish time." On our part we certainly can affirm: far worse than during the Turkish regime, because during that regime national culture was not denied to the people. Another Serbian paper, *Republica*, writes: "Terrible news reaches us from all parts of South Serbia. Entire villages are subjected to pillage and incendiarism and wholesale destruction of lives. For the suppression of the revolutionary element, which is the result of our bad government,

the Minister of the Interior has issued instructions which abandon the population to the hands of the police authorities. Every field guardian may murder without accounting for his conduct. We might cite an article entitled *The Macedonia Hell* in the Serbian paper *Epocha* of February 8 last and many others to further illustrate the intolerable condition of things in Macedonia, but the above should suffice to demonstrate to you the conduct of the Slav Serbians toward the Slav Macedonian Bulgarians.

And what of the Bulgarians who have suffered even a worse misfortune, those fallen under the old Slav enemy—the Greeks? Has Europe not heard, busy as it is with speculations and sanctions, the cries of despair of thousands of mothers, sisters, and brothers dispersed over the rocky Greek islands, subjected to moral and physical torture, far from their homes? Is human conscience bankrupt and none left to raise a voice for justice and human rights for a population which refused to change its name—that of its fathers, and prefers to drag through a miserable life in distant, foreign, unfamiliar islands? . . .

Unable to destroy the Slav-Bulgarian population in Macedonia the Greeks have taken recourse to a new barbarous system. They have called up all the Bulgarians from 18 to 52 years of age and enrolled them in their army to war for the greatness of Greece in Asia Minor, and there purposely have exposed them to wanton destruction. A Serbian paper, *Vreme*, in its eleventh issue, thus describes it: "They are ordered to the most exposed positions; very few escape. Thousands are rotting on the Asiatic plains, because they refuse to be Greeks."

Dear Colleagues, the unjust solution of the Macedonian problem, instead of effacing Macedonia from the European map, will bring new confusion in the Balkan peninsula and Europe. Born in the midst of blood and fire, stifled by oppression, deprived of justice, the Macedonians cannot and will not remain with hands folded in the face of their executioners. The present generation, although the most unhappy, continues to manifest most extraordinary love for its native land, which must and shall conquer the present darkness and oppression. It cannot remain quiet in the face of the ruins of its homes. The consequences will probably be as bad for it as for its oppressors.

And we turn with our present appeal to you, young and enlightened sons of the Slav nations, upon whose minds and will depends the future of Slavdom, to invite your attention to the crying injustice done to Macedonia and to entreat you to raise your voice that an end be put to the ignominy to which Serbians and Greeks are subjecting the population of Macedonia, that the destiny of this country be confided to the hands of its own people without distinction of faith and nationality. We believe we are accomplishing a sacred duty to ourselves and to Slavdom in thus presenting to you the real condition of things in Macedonia, that beautiful but unhappy country, which up to its partition between Serbians and Greeks in 1913 possessed 1,373 Bulgarian schools—13 gymnasiums (colleges), 87 progymnasiums, and the rest elementary schools—with 78,854 scholars; 1,331 Bulgarian churches, 294 chapels, and 73 monasteries. Not one of these exists today.

We trust that you will worthily fulfil a duty, demanded by the sufferings of a Slav nation which gave to Slavdom the Holy Apostles, the saints Cyril and Methodius, and enlightened literature.

Montenegro and the Serbs

THE note of the Government of Montenegro addressed to the president of the Genoa Conference reveals the state of mind of that country and puts forward its claim to independence. The important sections of the note follow:

Scorning the solemn engagements of the great Allied and Associated Powers—especially those contained in the letters from M. Pichon, then Minister of Foreign Affairs, and M. Poin-

caré, then President of the French Republic, addressed in name of the Allies to the King of Montenegro, and declaring that the sovereignty of Montenegro would be respected by Allied troops—the Government of Serbia and its army brutally occupied Montenegro and forcibly proclaimed its annexation of Serbia.

Thanks to the armed resistance offered by the Montenegrin people to the invader, this horrible crime, despite the persistence of the Serbian Government, was followed by the decision of the Supreme Council on January 13, 1919: "Montenegro shall be represented by a delegate but the method of naming this delegate shall not be determined until the political situation of that country shall have been cleared up. . . . The Montenegrin Government protested against this postponement. Montenegrin representation at the Paris Peace Conference. Considering this decision a new injustice the Government shows that according to the constitution of Montenegro and to international law, the King and Government of Montenegro, who were then in France at Neuilly, had the right to represent Montenegro abroad and consequently the right to select and name its delegates to the Peace Conference, just as the kings of Belgium and Serbia and their governments had done when they were in exile."

The Government of Montenegro furthermore has repeatedly requested that "the political situation of Montenegro should be cleared up, either by a consultation of the people under the supervision of an international commission or by a legislative parliament to be elected by universal suffrage or by such a plebiscite as was not refused even to the people of German and Austrian provinces. . . . It is well known that in its message of January 22, 1919, the Supreme Council, through the King and Government of Montenegro, entreated the Montenegrin people to remain tranquilly at home and not to oppose by arms the troops which were seeking to seize Montenegro." In the same message the Supreme Council stated: "A good occasion will very soon be offered the Montenegrin people freely to pronounce upon the form of its future government."

Yet, despite the Serbian proclamation of the forced annexation of Montenegro, which was annulled by the decision of the Supreme Council of January 13, 1919, cited above, and in view of the fact that no international decision has since been made modifying the situation of Montenegro, it continues to exist *de jure* as a sovereign and independent state, even though its territory is still occupied militarily by Serbia. This provision of the occupation of Montenegro by Serbian troops is only the continuance of the condition in which it found itself under the Austro-Hungarian occupation from January, 1916, to November, 1918. It is like the condition of Serbia under Austro-Hungarian military occupation and of Belgium under German occupation in the same period. These two countries continued to exist *de jure* and *de facto* and as such they were recognized by the Allies, as is Montenegro, although their respective territories were occupied by enemy troops and their governments were in exile.

The best proof of this is furnished by the declaration of the Italian Prime Minister, M. Bonomi, in the Chamber of Deputies on July 23 and in the Senate on August 2, 1921, that "the present *de facto* situation of Montenegro created by Serbia has received no international sanction." Hence, from the international point of view the situation of Montenegro in the concert of European states, that is, its position as a member of the international community, is that which was created for it by the Treaty of Berlin of 1878, which was signed by all the great Powers of Europe. Montenegro thus still exists as a sovereign and independent state. As such it has a right to participate in all international conferences in which all the European states take part.

Consequently I have the honor to protest most energetically in the name of the Government of Montenegro against the fact that it has not been invited to participate in the conference at Genoa. . . .

The Retreat from Santo Domingo

IN belatedly and backhandedly getting out of Santo Domingo the United States is, of course, in no sense atoning for the past. Simple decency, regard for the opinion of mankind, elementary statesmanship, or even common political horse-sense, all required a graceful confession of error and offer of amends. But it is too much to expect governments, especially the great, to admit their guilt. And failure to make this admission is more than a mere failure of form. It will make it easier, despite the fact that Santo Domingo has escaped a Platt Amendment such as Senator McCormick wanted to fasten on her, for any future Wilson or Josephus Daniels in the White House or the Cabinet to rush warships and marines there on any pretext and again illegally involve the country in war. But those qualities which even at this late day would have enabled the United States to reestablish its honor in the eyes of the world and to cleanse its conscience are not inherent today in the seats of our mighty. No, the credit for the victory such as it is belongs essentially to the Dominican people who for seven years have stoically endured martyrdom, helpless but strong in the consciousness of their right. It belongs above all to their dauntless exile, President Dr. Francisco Henriquez y Carvajal, who in the face of every discouragement kept alive their hope and faith and, steadfastly refusing all compromise, carried his story to the civilized world. It belongs, we are happy to say, in a lesser degree to those few sterling Americans, Senators like King and Borah, who flung a gage of battle to the already battered Administration in Washington which it could not wholly disregard. From the time the spotlight was turned on Santo Domingo the Administration of the United States has been on the defensive. Our retirement from that republic is essentially the victory of public opinion, an opinion still far from overwhelming in its force, but promising in its implications and potentialities. As such the result is cause for rejoicing by Americans as well as Dominicans and by all other peoples of the Americas.

Naturally any offer of withdrawal from an imperialistic Power to a weaker one long held in its clutches must be scrutinized with great care, like the Greeks bearing gifts. One has the right to be skeptical of any American plan for withdrawal from any one of the several republics in the Caribbean in which American cannon dominate. The Dominicans themselves have rejected two American offers of withdrawal because of conditions attached to them, conditions unworthy of the country of Washington and Lincoln and impossible of acceptance by any free people. As we have already pointed out, the latest proposal is more favorable. Evolved after several months of negotiation in Washington it makes important modifications in the "Harding plan" of a year ago. It was that plan or nothing for the Dominicans in the judgment of the Senate Select Committee when it made its preliminary report last December. The Occupation was to initiate the reconstruction of the Dominican Government, to call elections, to nominate committees. An American military mission was to remain in charge. The collector of customs was to have the additional power to collect and disburse internal revenue if needed for service of the loan. All acts of the Military Occupation were to be ratified. Excepting the last two which appear in modified form, the new American proposal eliminates these conditions.

The Dominicans are themselves to select a provisional government to which all administrative functions (except the collection and application of customs revenues provided for in the Treaty of 1907, and, by a possible interpretation, of other revenues) are to be turned over at once. The marines are immediately to be concentrated in two or three places, subject to call for the maintenance of order only if both occupation and provisional government deem their services necessary, their functions being entirely assumed by the Guardia Nacional. At the earliest moment it deems advisable the provisional government is to arrange for the election of a constitutional government. As soon as this takes office all American officials, civil and military (except the Receiver of Customs and his staff) will withdraw. Thus far the evacuation is absolute and unconditional. The provisional government, however—and here is the clause requiring the closest scrutiny—agrees to recognize

The validity of all the executive and department orders promulgated by the military government and published in the Official Gazette which may have levied taxes, authorized expenditures, or established rights in behalf of third persons and of the contracts which may have been entered into in accordance with these orders . . . and specific recognition in accordance with the foregoing of the bond issues authorized in 1918 and 1922 . . . and that the convention of 1907 . . . shall remain in force as long as any bonds of these issues remain unpaid.

While the Dominicans are right in their contention that there is not a shadow of legality in any act of the Occupation—based as it was solely on the right of might—this last condition is, as a practical matter, probably inevitable. Untold chaos would result if the eight hundred or more "executive orders" of the last seven years were simply annulled. However much one may regret that the validation of the illegally imposed loans will extend the period of American customs receivership some years—and who knows what further extensions may not be imposed in that time?—it should be recalled that the arrangement of 1907 was acceptable to most Dominicans. Moreover it was working well until Mr. Bryan played politics with it and substituted for the competent and popular Roosevelt appointee, Mr. Pulliam, the regime of Mr. Sullivan, the "deserving Democrat." Mr. Pulliam, at the Dominicans' request, has resumed his post. A supplementary clause relating to the collector's duties regarding these loans is however ambiguous. It is of fundamental importance that it be clarified to make certain that the collector's powers are not increased an iota over those granted by the Treaty of 1907. To enable him as a result of our military duress to interfere with any revenues other than the customs revenues would impair the entire plan. The new proposal does not include the validation of acts of brutality, graft, and destruction of property by individuals in the American Occupation, and nothing precludes the reestablished Dominican Government from taking appropriate action in the future in the proper court of international law. All in all, if this new arrangement is carried out in good faith by our Government, if dubious points are decided not with regard for the relative strength of the two countries but with a realization that the United States is the interloper and should not profit in any degree by its intervention, then a long step toward rehabilitation of our good name in the republics to the south will have been taken.

With Intent to Corrupt

COME, let us reason together about the censorship of books; the topic has sprung into the news again with the action of the New York Society for the Suppression of Vice against "A Young Girl's Diary," D. H. Lawrence's "Women in Love," and Schnitzler's "Casanova's Homecoming." This particular action happens to be more than ordinarily irritating because two of the books were "privately printed" and the third, "A Young Girl's Diary," no more deserves suppression than "Little Women" or "Little Lord Fauntleroy." Any American girl who can be hurt by the things this Austrian girl wrote in her journal has already been hurt by the dangerous innocence in which her mother has kept her. As to the Schnitzler and Lawrence novels, the first gives a more terrible picture of the Nemesis of lechery than we remember to have seen in any virtuous tract whatever, and the second so lifts sex into the region of metaphysics that to call it corrupting is absurd; and yet it is as well to admit that such books are likely to be picked upon so long as the present management of the Society for the Suppression of Vice is on the loose.

Here are our proposals: First, the "privately printed" book should have some exacter status than it now has. If the law is to force into special channels those treatises or tales which deal with love more candidly than the respectable can stand, then they must really be issued for competent subscribers only, like Havelock Ellis's great "Studies in the Psychology of Sex," and not merely be disguised by the omission of the publisher's name from the title-page and the addition of a forbidding price. It may be hard to fix the limits of competency in this connection, and doubtless a copy or so will now and then stray from its proper owner, but the law should do what it can and run the risk that all statutes run. At present it is a joke.

Second, the statute against the distribution of pornography should be made to fit the cases which it is meant to fit and not be allowed to include anything upon which some smut-hunting society or illiterate constable or cantankerous magistrate happens to light. The intent of certain obscene moving pictures which are rumored to have been exhibited at certain longshore dens is specifically to corrupt or at least to tempt; the intent of certain postcards and typewritten classics which can be picked up by any bright boy in any city street if he keeps his eyes open is specifically to corrupt or to tempt. Let such things as these be watched by the custodians of our morals. But there is no more intent to corrupt in D. H. Lawrence than there is in a painter whose nude wins a prize at the Academy and is exhibited to any one who wants to look at it. There is no more intent to corrupt in "A Young Girl's Diary" than in the short skirts and knickers which the most reputable women wear without any thought except that they are in the fashion. There is no more intent to corrupt in "Casanova's Homecoming" than in the spectacle of any elderly gentleman making a fool of himself over women. The law must either distinguish or else keep on being an ass.

Meanwhile there is hope of a new common sense in the moral-makers. Raymond D. Halsey, a New York bookseller, has twice been awarded damages because the Vice Society had him arrested for selling a copy of Gautier's "Mademoiselle de Maupin"; a higher court has confirmed the verdict.

Peeresses in Their Own Wrongs

HONORS never seemed emptier than they do in England at the present moment. The dingy fight over the buying and selling of titles has served to arouse on this side of the ocean an irrational satisfaction with republicanism; and now to add to our scorn Lady Rhondda has been refused a seat in the House of Lords.

It is a little hard to sympathize acutely with the troubles of peeresses; and it is hard to sympathize with anyone because he or she is not allowed to sit with the Lords. "Cheer up," we are tempted to say. "A peeress's lot is not such an unhappy one if she can tuck her title in the side-pocket of her car and run out into the country while the Lords are ineffectually perspiring over the state of the nation." But we must try to suppress our congratulations and encourage our sympathies while we consider for a moment the wrongs of peeresses in their own right. Their complaint, voiced through the energetic Lady Rhondda, is this: They are the only voting women in the whole of Great Britain who may not sit in Parliament. Their cooks may win a seat in the Commons; they may vote for their cooks and readily allow themselves to be governed by them. But they have no hope of ever achieving a position—beyond the brief and frail authority exercised in their own kitchens—of sharing in the governing of their cooks.

If this analysis seems flippant or appears to attribute to peeresses in their own right any undemocratic prejudices, the fault lies with the lack of sympathy suggested above. It is not due to any intellectual doubts. If people are fit to govern themselves, if women are people, and if peeresses are women—and we usually accept these premises—then Lady Rhondda and the twenty-odd other peeresses with inherited titles should all receive writs summoning them to sit among their peers—if the phrase is not too possessive.

Lord Birkenhead's argument against the admission of Lady Rhondda has convinced us that legally she must make a better case. Basing his conclusions on an imposing and amusing collection of antique citations he argued that the right to a parliamentary seat depended upon hereditary descent, that this right was never attached to a peerage held by a peeress, and that, therefore, in Lady Rhondda's case, a general act such as the Sex Disqualification (Removal) Act of 1919 could not grant privileges specifically omitted from the terms of the letters patent conferring the vicounty. But if Lady Rhondda's case is weak legally, according to the dictates of common sense and human decency and public welfare and a sense of humor it is perfect. The fight is between these less respectable considerations and the law, and the London *Times* hints that the law can eventually be got around by an act of Parliament. Already, the most important womens' organizations in England have protested against Lady Rhondda's exclusion, and an act is almost certain to develop out of this protest. The Lords will probably fight to protect the masculine sanctities of their House; but in the end, we believe, they are bound to lose. And by their defeat the nation will win. The corruption that is making the British peerage a stench in the noses of all nations is a masculine corruption. Peeresses inherit their honors; they cannot buy them. The first method may be foolish but the second is vile, and a few women in the House of Lords may help its reputation for decency as well as for ability.

Germany, 1922

II. The Price the People are Paying

By OSWALD GARRISON VILLARD

"WE pull bodies of suicides out of the river and the canals of Berlin daily but never one with underclothes upon it," said Dr. Rathenau in April, and he added: "According to official figures 40 per cent of the school children of Berlin have no underclothing whatever." A few days later a Reichstag Deputy, Herr Lindeiner, declared at a mass meeting that there are "650 landlords in Berlin, men and women, each owning several large and costly apartment houses apiece, who are being supported by public charity because their income is all swallowed up by taxes and expenses and they have not been allowed to increase their rents." Now the American tourist in Germany who reads these words and sees the prosperous shops on Unter den Linden, who attends the crowded theaters and equally crowded dance halls, and goes to see the great football matches in the stadium at Charlottenburg cannot understand how these statements can be true and usually declares that they are propaganda. Indeed, a well-known New Yorker who has recently been living in a hotel on the Kurfürstendamm, Berlin's gayest thoroughfare, declared to me that if he had seen nothing else but the extravagance and dissipation visible on that street he, too, would go home convinced that the Germans were deliberately seeking to defraud France in trying to cut down the reparations.

Yet the statements of Dr. Rathenau and Herr Lindeiner are true and afford a much, much more accurate picture of the existing situation than do the outward manifestations of prosperity and selfish indulgence. In the first place it is largely the foreigners and the war profiteers and other *nouveaux riches* who fill the Viennese and Berlin places of amusement; in the second place, misery hides itself, particularly if it is a middle-class misery which only yesterday knew far better days. I took some friends to the theater in Munich who had been but once in three years. They looked carefully around the house; not a familiar face did they see. "Before the war," they remarked, "we could not have come to this theater without seeing at least thirty or forty friends." The audiences of today, when they are composed of Germans, are of an extremely ordinary appearance; one sees no well-groomed men and women and no handsome dresses. The democratic upheaval has not only affected the formality of dress, it has brought wholly new sections of the population to the front and these people are thirsting for books, art, theater, concerts, and opera. They are able to have now what they could not afford before; while multitudes who had led intellectual lives and enriched them by close contact with the arts are compelled now to sit at home and to devote all their thinking to the matter of sustaining body and soul. If the latter have only a fixed income their position is desperate. They are living by selling everything they have that they can get on without—which accounts for the wonderful antique stores that have sprung up even in the smaller cities—and they are burning up their capital, usually by the sale of securities at heavy sacrifice. There is a distinguished artist in a German city who once thrilled American audiences. Some friends asked her what she would do when the remainder

of her rapidly disappearing capital was exhausted. She answered by drawing her finger across her throat. Another fine artist, who also played in America, is reduced to two small rooms and gives lessons from morning till night for a mere pittance in a desperate struggle to keep alive.

Suicides are common. A young girl student at Heidelberg shot herself last month, but no one wondered or cared very much. It happens too often. Yet when one goes to the *Mensa*, the daily meal served by the student associations for fifteen marks, and sees the fine quality of the youth which is making such sacrifices for education—for many of them this simple meal is the only food beyond coffee and bread which they obtain in a day—the loss, for lack of a few dollars, of one such aspiring soul means a tragedy indeed. The Bavarian peasants are saying that the future savior and restorer of Germany is "still sitting on a school bench." By that they mean, with the curious intuition of the masses, that the future leader is some one who is too young to have known anything about the war or to have had anything to do with any factions in the Kaiser's time or at present. It may be an idle theory, this fancy of these humble tillers of the soil, but one cannot see these throngs of young men and women without feeling that surely those whose education costs them so much are bound to do good with it. One can truly hope that a new leader will be found among them or their successors to raise new standards, to preach new ideals, and to lead the Germans to live according to the best that is in them. Who knows? There is Ernst Toller, for instance. He allowed himself to be drawn into the Communist movement in Bavaria and, not yet thirty, is spending ten years in a fortress prison. His third play, "The Fiftieth Bavarian," has just been produced in Berlin—the third play done behind bars—and the Bavarian Government, it is reported by cable, would not allow him two days out of the jail to see the first performance although it was asked to do so by all the leading intellectuals of Germany. Toller's talent is, I am sure, yet going to serve his country well—and there must be many like him behind the bars, or on school benches, or, worst of all, unable to develop intellectually because unable to raise the pittance in American money upon which most of these students live. An American is giving a young girl a medical education and complete support at Heidelberg and the entire cost to him will not come to fifty dollars a year!

But if there is this thirst for knowledge among the people who have risen to the social surface and among the aspiring youth, the fact remains that Germany is intellectually isolated. Germans cannot buy foreign books or periodicals, although they were never so much needed not only for scientific and cultural reasons but because the German people ought to know at first hand, and not merely through the eyes of their own newspapers, just what the rest of the world is thinking and saying about them and their future. The newspapers themselves are no longer able to pay for much foreign news—it is said that there are only seven newspapers in all Germany making money today; some quite famous ones are losing more than 3,000,000

marks a month. Even the richest of these newspapers cannot afford to subscribe to American newspapers or periodicals; the libraries cannot buy books, and worst of all, the Germans themselves cannot travel—the exchange prevents.

The result is that all Germany is as if within a prison house. People tell you that they are glad that their children saw Switzerland before the war because they are sure that they will never see it again nor any other foreign country. Those Germans who think deeply and look beneath the surface seek every kind of diversion within their means in order to avoid giving way to the blackest pessimism and in order to keep their mental balance intact. What can a retired bank director do when he is sixty-four years of age with a wife to support and they have sold everything they accumulated during their prosperous years? He cannot get a job because of his age; his once ample pension is shrunk to a mere pittance. He is reduced to begging. As for a retired city official in ill health, with eight people dependent upon him, is it any wonder that he wore rags and tatters and trembled when he came to beg? His pension is about four dollars a month. Now, it is very easy to moralize with these gentlemen, to point out to them that they are paying the price for having had the luxury of a criminally weak and incompetent, not to say wicked, Kaiser and that everybody who goes to war has to pay a penalty, even the victors if there are any. They admit the truth of what you say, but it does not fill their empty stomachs.

Of course, all of this suffering carries with it a steady loss of moral fiber. The working classes are proportionately not so badly off. You hear them abused, precisely as in America, on the ground that they are profiteers and leeches taking advantage of the distress of their country to line their pockets. It is true that there are some inequalities—young, unmarried workers get the same wage as those of many years' service with heavy family responsibilities, but it is the children of the working people who go to the schools without underwear to protect them against wintry blasts. It is true that there is an unduly small difference between the wage of the unskilled worker and of the skilled; yet anyone who believes that the German workers are living in luxury makes a very great mistake. For them the purchase of a pair of shoes or a suit constitutes a grave family happening; if they seem to starve middle-class people to be rolling in luxury it is hard to find anything that looks like luxury in their homes. The skilled workers who draw 200 marks a day are not those to be found in the theaters. But probably the morale of the workers, despite the great increase in drinking, has suffered far less than that of other classes. If Theodore Roosevelt were living today and could travel Europe from end to end, I do not believe that he could honestly find one single beneficent result from the war in any country—not even he who so often praised the strenuous life and boasted the advantage of occasional national blood-lettings. The whole standard of living and, therefore, of morals and manners and ideals has gone down in Europe.

Berlin never was a moral city, nor Vienna either—Berlin had earned the reputation before the war of being more degenerate than Paris. Today both cities show with pitiful clearness the effect which war has upon womankind and womanhood. It would not be difficult to persuade oneself anywhere in Europe on the strength of outward appearances that the oldest of professions is today one of the most prosperous; certainly its membership has grown enormously.

On the 3d of April a Reichstag Deputy declared in Parliament that the police were either powerless or unwilling to interfere with the shameless and unprecedented use of the streets of Berlin by loose women and the men they support. Incidentally he added that 70 per cent of all the paper used in the production of German books is being used for off-color literature—a statement in marked contrast to one I heard in South Germany that it is impossible to buy complete editions of the works of Schiller and Goethe as they are out of print. The economic motive is, of course, responsible for the adoption of an immoral life by many women who are driven to despair by the loss of all their property and their inability to earn enough to live on, being untrained for any work whatsoever. But this, as I have said, is not a condition limited to Germany alone; every country has paid this war price and continues to pay it, and the situation will get worse as economic conditions get worse.

The whole viewpoint of Europe is changing in regard to these things; they are being more than ever considered normal and natural. Unfortunately the unnatural and perverse are also more than ever in evidence and this is not to be wondered at in view of the degradation of a portion of the German and Austrian stage. That any municipality would tolerate the acting of perversion in a reputable theater would certainly not have occurred to anybody before the war, but the efforts of right-thinking people to prevent the production of Arthur Schnitzler's "Reigen" and of "Vatermord" (in which latter play abnormality and incest are the leading themes) have only resulted in the arrest of the protestants on the ground that they were committing a breach of peace in seeking to prevent the appearance of plays which ought to be banned utterly. I do not, of course, advocate a return to official censorship but a criminal statute with proper definitions to guide the stage and the law enforcers. These are only two plays that I might cite. There are many others that go beyond all limits of decency and they are appearing side by side with many beautiful plays of absorbing interest because of the extraordinary new scenic effects and methods of presentation and the remarkable acting. It is only fair to add, too, that most of the worst comedies are taken over from the Paris stage. Yet if one should stray into six or seven of the plays running in Berlin and should see nothing else one would be compelled to despair of Germany and to believe that her new-found liberty has degenerated into disgusting, indefensible license. These plays are defended on the ground that there must be complete freedom of expression and liberty of talent and no censorship whatever. The moving-picture screen has also been denounced in the Reichstag as being brazen and shameless and quite demoralizing.

As for the drinking, let no one talk about the advantages of light beer and wines and how continental Europe knows how to control its appetite for drink. In Austria even the President of the Republic is said to have been driven to favoring prohibition by the terrible increase in intoxication; and in Germany the growth of hard drinking is visible everywhere—even young girls are said to be yielding to it—doubtless another ennobling effect of the war. But here, too, we probably have just another transition phase of a really tremendous revolution in the life and thought of a great people—a convulsion far more drastic in its social, moral, and economic consequences and connotations than in its political, and far more drastic than anyone can realize who did not know the country well before the war.

These United States—VIII¹

NEVADA: Beautiful Desert of Buried Hopes

By ANNE MARTIN

NEVADA to most Easterners suggests divorces, or gambling in mining shares of doubtful value on the New York or Philadelphia stock exchanges. Some, more informed, have heard of our "big bonanza" mines which produced nearly a billion dollars in silver after the Civil War, thus helping to restore national credit, and incidentally producing a crop of millionaires and adventurers, some of whom have won seats in the United States Senate. The "wild and woolly" character of the pioneer mining State fixed on her by Mark Twain in "Roughing It" still clings in the popular mind and is confirmed by most of the news that seeps through the press. Few outsiders have ever heard of her agriculture or any constructive activities, and no one with eyes can see her as anything but a vast, exploited, undeveloped State with a meager and boss-ridden population. Those who wish more information will find in reference books that Nevada began well. She was admitted into the Union in 1864 as the "battle-born State," to give President Lincoln additional support in the Senate, and with her vast domain and natural resources gave great promise. Almost as old as Kansas, Minnesota, and West Virginia, and older than Nebraska, Colorado, the Dakotas, Montana, and all other Far Western States except California and Oregon, "youth" cannot explain away her backwardness and vagaries, her bizarre history, her position as the ugly duckling, the disappointment, the neglected step-child, the weakling in the family of States, despite her charm and beauty and great natural advantages.

The casual railway traveler who has crossed Nevada remembers with wonder or weariness, according to temperament, her twelve hours of "desert" plain, her endless chain of sunny sage-brush valleys surrounded by opalescent mountains, all fertile land but valueless without water, and all without sign of water or habitation, excepting a few railroad tanks and straggling towns, or the drying bed of a river. Reformers know her as perhaps the most "wide-open" State of the West, where prize-fighting, gambling, and saloons have been encouraged greatly to flourish, and where the six-months' divorce still reigns, backed by legal and business interests of Reno. They remember her as the last Western State to adopt woman suffrage, and one of the last to accept State prohibition. She is the despair not only of reformers but of case-hardened lawyers, who must be agile indeed to keep pace with the rapid and contradictory changes in laws made every two years by servile legislatures, at the command of the selfish interests which elected them. To national political leaders she is known as a "doubtful" State, a "pocket-borough," which can be swung more easily than any other into the Republican or Democratic column, according to the amount of money used by either side. (She should therefore not be called "doubtful," but *sure*.) She is known as

a State where politicians, irrespective of party, cynically combine every campaign to elect congressmen and legislatures pleasing to the "interests." These legislatures so chosen are largely migratory. Some members have been known to leave the State, pockets bulging, by the midnight train after adjournment. I recall the difficulty experienced by a former governor in securing a quorum for a special session, as many of our itinerant legislators were already far afield in other States, or in Mexico, Alaska, South America, and South Africa.

It must be admitted there are other Western States which differ only in degree. But what makes Nevada an extreme example? Why has she a larger proportionate number of migratory laborers (as of legislators), of homeless men, than any of her neighbors? Why is she the most "male" State in the Union, with more than twice as many men as women, and the smallest proportionate number of women and children? Why has she the smallest and sparsest population of any State, and why has it decreased since 1910? Why has she a peripatetic male electorate nearly half of which has vanished by the next election, with new voters taking their places who will themselves soon vanish? Why is she perhaps the most backward State in precautions against the spread of venereal diseases, the most shameless in her flaunting of prostitution and red-light districts, surrounded by high board fences, to the children of the towns? With no large cities and a largely rural population, why has she a greater percentage in her jails and prison, her almshouses and insane asylum than certain of her neighbors? How can we account for these extreme peculiarities of her industrial, political, and social life?

The migratory character of mining and railway labor has some influence, but the fundamental cause of every one of these conditions undoubtedly lies in the monopoly by the live-stock industry of the water, the watered lands, and the public range lands of the State. At first blush this may sound like saying that sun-spots cause insanity, or that there is an epidemic of pellagra in the South, of small-pox in China, or of cholera in Russia because Wall Street governs us in Washington. But the relation of cause and effect in Nevada is clear. Some may insist that her backwardness is due to her exploitation from the very beginning by the railroads; others, that the mining interests have picked the vitals from her, have taken everything out and given nothing back: witness San Francisco's and even some of New York's finest structures built largely with bullion from her "ghost cities," the Postal Telegraph and Cable system which girdles the globe by means of the Mackay millions taken from the quickly gutted Comstock lode, the Guggenheim and other similar interests still picking the bones for all that is left! True; but mere exploitation by railroads and mine owners does not account for the condition in which we find her today. Other Western States with comparable natural resources have been similarly exploited, and are not a "notorious bad example" of political, economic, and social degeneration.

The live-stock industry, established as a monopoly in

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This is the eighth article in the series entitled *These United States*. The first was on the State of Kansas by William Allen White (April 19), the second on Maryland by H. L. Mencken (May 3), the third on Mississippi by Beulah Amidon Ratliff (May 17), the fourth on Vermont by Dorothy Canfield Fisher (May 31), the fifth on New Jersey by Edmund Wilson, Jr. (June 14), the sixth on Utah by Murray E. King (June 28), and the seventh on South Carolina by Ludwig Lewisohn (July 12).

Nevada under very extraordinary conditions, is responsible. It has prevented the development of small farms, of family life, of a stable agricultural population, and has produced instead an excessive proportion of migratory laborers and of homeless men, larger than any State in the Union. The 1910 census figures give 220 men to every 100 women. The number of married women in the State is about one-third the number of men. The number of children from six to fourteen years is less than two-fifths of the usual average in other States. Utah, for example, with natural resources not much larger than Nevada, has more than eight times as many school children. (The 1920 census figures so far received show an improvement in these proportions more apparent than real, due chiefly to the reduction of the homeless male population since 1910 by the migration of thousands from dying mining camps.) It appears that practically one-half the men of Nevada, or nearly 20,000 out of our total population of nearly 80,000, are living under bad social conditions outside the home environment, as cowboys, sheepherders, hay-hands, miners, and railwaymen, sleeping in company bunk-houses or on the range, and dependent for their few pleasures and social contacts on the frontier towns the traveler sees from the train window. These afford a movie, perhaps, certainly a gambling house with bootleg whiskey, and a "restricted district" behind a stockade, in which the women are "medically inspected" (for a price) while the men are not.

A characteristic Nevada sight, and to those who know its significance one of the most pathetic, is the large groups of roughly dressed men aimlessly wandering about the streets or standing on the street corners of Reno, Lovelock, Winnemucca, Battle Mountain, Elko, Wells, Ely, Tonopah, Goldfield, and other towns, every day in the year. They are in from the ranches and mines for a holiday with hard-earned money, and the only place they have to spend it is in the numerous men's lodging houses, gambling dens, or brothels. In our suffrage campaign in 1914 and in later campaigns we found it always possible to gather these men into a quick, responsive, and generous street audience. But a large proportion of them are wanderers, and are, of course, prevented from voting by the election laws. Of those who can vote many have most naturally no sense of civic responsibility and are easily corrupted by the political machine. If instead of the land and water monopoly by the live-stock interests for the almost exclusive production of hay, cattle, and sheep, this same land with water, now manned chiefly by "ranch-hands" and in the hay-making season by a large influx of migratory hay-hands, were subdivided into small farms for diversified and intensive agriculture, Nevada would soon have many new homes with women and children in them, she would soon have a large and growing farm population, larger towns and community centers, and greater social stability, instead of languishing on as an exhausted weakling in the sisterhood of States. But the strangle-hold of the live-stock interests continues as the cause of the mortal illness from which she is suffering, and to grasp the case we must consider some physical features.

Nevada's area is 110,000 square miles, more than twice as large as New York or Pennsylvania. Her population is 77,000, or about one person to every one and one-half square miles. Her *land* area is more than 70,000,000 acres, of which nearly 90 per cent is still owned by the National Government. The remainder is chiefly land granted by the Government to the railroad, with the exception of a little more

than 3 per cent, or about 2,300,000 acres, which are reported in privately owned farms in 1920. Of this amount nearly 600,000 acres, or less than 1 per cent of the total land area, are under irrigation. The water for this purpose is supplied chiefly by Nevada's four rivers, the Truckee, Carson, and Walker, which rise in the Sierra Nevada Mountains, and the Humboldt, which rises in the northeast. The snow-fall in the mountain ranges which traverse the State north and south produces in addition a few small springs and streams. These water part of the valley lands. It has been estimated that the State has enough water, if carefully conserved and used, to irrigate 2,000,000 acres, or about 3 per cent of her area. But owing to the great cost of constructing the necessary dams and reservoirs for the storage of flood waters, and the dams and ditches for its distribution, and because of waste of water by many users, the irrigated area is not increasing. According to the 1920 census it has decreased. The vital fact is that about 97 per cent of the State's enormous area has no agricultural value except as grazing land for cattle and sheep (unless water can be developed from new sources such as artesian wells), and that the National Government owns nearly all this grazing land. Uncle Sam owns it, but a few live-stock companies monopolize its use for their herds. This is made possible by the fact that the law under which government grants of school lands to Nevada were administered enabled certain stockmen to select practically all the land with water, so as to control all water available for irrigation and drinking purposes for live stock. Unlike other States, the Nevada law controlling the sale of the millions of acres granted by the Government enabled a stockman to pick out only the forty-acre tracts with water on them. He could buy 640 acres directly, and get as much more as he wanted by using the names of relatives and employees—"dummies." The price of the land was \$1.25 an acre, but only 25 cents had to be paid down, with long time for the balance. So a man with \$5,000 could buy 25,000 acres, carefully selected in forty-acre tracts along the banks of rivers and streams, and through this water monopoly he could secure the exclusive control of a million acres of public range land as free pasture for his herds. In other States the government land grants consisted of numbered sections according to United States surveys, and buyers could not pick out exclusively the areas with water. (The bill granting 7,000,000 acres of government land to Nevada, which passed the United States Senate in 1916 through the efforts of Senator Pittman, was drawn on similarly vicious lines. It would have increased the hold of the land and water monopolists and large-scale live-stock producers on the people.)

Thus was fixed the strangle-hold of the live-stock interests on Nevada. A few families and corporations control nearly all her many million acres of range land (97 per cent of the State's area) through their control of the water, and own most of the watered land. Trespassers are kept off by the laws of nature, as they cannot use the pasture unless they have drinking water, or if necessary, by the "law of the range," as shown by many past conflicts of stockmen with their small competitors. With rare exceptions like the Newlands irrigation project at Fallon, Truckee Meadows, and a few other valleys early settled in small and fertile farms by the pioneers, this monopoly has made Nevada practically one large and desolate live-stock ranch. But deliberately or unconsciously its population of homeless workers has taken its revenge, as told by Nevada's overflowing jails and

prison, her almshouses and insane asylum, by her lack of political, economic, and social stability, by the most backward position of all the States. No society can allow its natural resources to be monopolized and neglect its workers without paying a heavy price. As Professor Romanzo Adams points out,² in no other State is there such concentration of land ownership in a few families, or are there so few farmers. In no other State is the average size of farms, and the average number of cattle or sheep on each farm, so large. And in no other State are there so many migratory farm workers in proportion to the number of farms. "Nevada has from two to six times as large a percentage in prison, jails, almshouses, and hospital for the insane as certain neighboring States where farms and farm homes are numerous and migratory workers few."³ Paupers, insane, and prisoners are largely recruited from the migratory workers. But the sorry population of her institutions does not tell the full story of damage done. Thousands more must have been maimed in body and soul, and roam free to spread the social canker, while the State continues to decrease in population and to deteriorate in nearly all that increases human welfare.

What is the remedy? Will the live-stock interests subdivide their holdings? Will pigs fly? The stockman's motto is "What I have I hold," down to the last drop of water. I have seen large quantities of it overflowing the ditches and running to waste on the fields and roads of company ranches, producing a rich crop of willows and tules after irrigating the wild hay lands. Across the road were the scattered "dug-outs" and cabins of settlers who under great difficulties had cleared a few acres of sage-brush land. They were struggling to "prove up" and sustain life for their families and themselves on a "dry" farm, as their entire water supply was from a well. Staring at us through the sage-brush or clinging to their mother's skirts were two or three eerie little children, timid as jack-rabbits, growing up without school or toys, in ignorance even of children's games. Sooner or later these settlers are starved out, as Nevada is literally the "driest" State in the Union (as regards rainfall), and dry-farming is hopeless. These failures please the large owners; they do not want homesteaders "fussing about," fencing the land on their own government range, and breaking the continuity of their holdings. I know intrepid settlers who have hoarded trickles from mountain streams and seepage that would otherwise be wasted, and used it to water crops on their homesteads, into which they had put years of work and all their meager capital. But they were enjoined at the behest of the neighboring live-stock company from using the hoarded water, on the ground of "prior rights." I have seen them denied its use and lose everything in court. Only their cabin home and the parched land with its withered crops were left them. The manager of this company replied to my protest: "This is *our* country, and we don't want any damned squatters and water stealers around interfering with our water and range and settling it up. We'd *run* them out if we couldn't get rid of them any other way!" However, it is generally not necessary "to run them out," as under our big-business system of government, national and State, the natural resource monopolists, the banks, and the courts are of course in cahoots, and the verdict is to the strong.

We have in Nevada some laws that automatically keep

water away from the land and the settler. On one of my campaigns I met a sturdy young fellow climbing out of a tungsten mine in the Humboldt Mountains, who told me with pride of his wife's work as school-teacher to help him in his struggle for a farm and home for their children. "This is no sort of life for a man to lead," he admitted, wiping the yellow dust from his face, and gazing off at the desert. "I've got to live on top of this mountain in a company bunk-house (and pay \$40 a month extra for board) instead of having a home. We can't have it until I get water on my land. The water's there in the Humboldt River, but I can't get it." He had filed on 320 acres under the Desert Land Act, "proved up on it" by making the necessary improvements and payments, cleared the land of sage-brush, dug ditches, secured a water right to certain river waters from the State engineer, and put in a crop of wheat which sprouted well but died, because he was not allowed to run water to his ditches. Instead of the profit of \$2,000 he was counting on to pay his debts and build a house, he lost several hundred dollars and all his work, and was now struggling as a miner for a fresh start. He took from his pocket a letter from the agent of a land and live-stock company owning adjoining land. It curtly refused his request for a ditch right of way over its land to his. Another company had filed a protest in the State engineer's office against granting his water right because the company "believed" a dam built at the point of diversion of his ditch from the river would back up the water and flood its land, and because his ditches would have to cross numerous company ditches and thereby prevent it "from enjoying the free use of its vested water and ditch rights." Only by winning lawsuits against neighboring land owners—and both cards and courts were stacked against him—could he fill his ditches. "And with water running to waste in the Humboldt Sink!" he said bitterly. "We fellows haven't a man's chance, and all we want is a fair show to live by our own work." He held out his large, muscular, calloused hands. "And with the Government wasting billions on airplanes and shipyards and railroads and foreign loans! We're doing some thinking for ourselves!" The tungsten mine has since shut down and he has joined the army of homeless men looking for work, while one of the neighboring land companies has filed on his water right, on the ground that he never put it to beneficial use by raising crops.

I have seen families stoically enduring life in little hot cabins in the heart of a burning desert. A well, a few scraggly chickens, a cow perhaps, and a sparse and parched field of rye or wheat were their only visible means of subsistence. The father of one of these families confessed almost apologetically: "I ain't one of these dry farmers, ma'am. I've got some good wells located and could grow fine crops if I could only get a few hundred dollars for a pump." Throughout the State I found it: on the one hand, men and women who had shown energy and hardihood and a pioneer spirit in their struggle against nature for a meager existence, asking only for water; on the other hand the Government, national and State, indifferent to the crying need for farms, homes, and jobs, doing nothing. The settlers struggle on until they lose everything, the land remains barren and unproductive for lack of "a few hundred dollars for a pump," while underground rivers flow beneath the floor of Nevada's driest looking valleys, and undeveloped artesian water abounds. (Senator Pittman's

² Public Range Lands—A New Policy Needed; by Romanzo Adams. *American Journal of Sociology*, November, 1916.

³ *Ibid.*

underground waters bill, recently enacted, reserving the right to any citizen or "association of citizens" to drill for water for two years on land areas of 2,560 acres, thus securing a patent on 640 acres if water is developed, does not help the settler; as a director in one of these water-drilling corporations recently told me: "Only big companies can afford to drill and get land and water on these terms." Several companies have already done so, thus increasing monopoly in the hands of a few.)

I have seen rivers flooding their banks on their way through barren valleys which in the language of congressmen would "blossom as the rose" with the storage and distribution of this water. The Humboldt River spreads out into a lake at one point, owing to a bad channel, and loses 300,000 acre feet in a few miles, due to evaporation and absorption. This is enough to irrigate 200,000 acres through the season, and provide homes for 2,000 families. Fertile sage-brush lands, but waterless, spread on both sides of the river for miles to the foot of distant mountains, waiting for the homemakers.

Utah has shown our bosses both in Washington and Nevada how to manage large land and water holdings for the public good. It was the policy of the Mormon church to divide good land into small farms. And Utah, with nearly equal agricultural resources, has a much larger population and greater economic and social stability than her neighbor. The Mormon church carried out this policy in Nevada, when a large cattle ranch of several thousand acres in the eastern part of the State accidentally came into its possession. It planned at once to divide it into a large number of small farms. The Mormon bishop there tells me the church was warned that the colonists would starve, as "the ranch was only fit for cattle." But the colonists came, and the land today supports two villages of more than

one hundred families, which are producing diversified crops under sound social conditions, instead of wild hay for cattle at great social cost to a lot of homeless men and to the State.

What is the solution of Nevada's problem? Undoubtedly the Government should end its long neglect of its vast public domain and administer these lands as it recently began the administration of its forest reserves, but in the interest of the small settler. The Government should extend its irrigation projects, providing credits and other necessary aid to settlers during the first difficult years, and, even more important, in cooperation with the State, should buy from the large stockmen tracts of land which control water for live stock. It should manage land, water, and public range with the definite purpose of increasing the number of small farms, of small stockmen, and range users. As Professor Adams suggests, it should also reduce the number of animals pastured on the public range by the large owners, which would of course reduce their yearly production and profit and thus lessen the value of their watered lands. Thus the natural operation of economic laws would lead to the subdivision of their holdings. But this will never be done until the people make their bosses see that government, national and State, if it is to endure, must develop natural resources for the good of all, instead of gutting them for the enrichment of a few, to the ultimate injury of all. Until it is done, Nevada's stable population cannot increase, despite the efforts of boosters' clubs and chambers of commerce. She will continue to lie, inert and helpless, like an exhausted Titan in the sun—a beautiful desert of homeseekers' buried hopes.

[The next article in this series, to be published in The Nation of August 9, will be Ohio: I'll Say We've Done Well, by Sherwood Anderson.]

The City That Walled Itself In

By NORRIS HODGINS

Though thou shouldest bray a fool in a mortar among wheat with a pestle, yet will not his foolishness depart from him.—Prov. xxvii, 22.

IN a fruitful valley in China was a prosperous little city filled with industrious Chinks who ate their rice and sipped their tea with gladness. And although some there were who were masters and some who were their servants, yet none was wealthy enough to afford a rickshaw, and none but had a well-stocked larder and a red and yellow gown to wear on feast days.

For many moons they had lived at peace with their neighbors, having, indeed, little to do with them except when they fared forth to a neighboring market in search of a fan, for they grew their own rice and tea, and with the exception of fans all the necessities of life were sold in their own market-place.

Now the Lord High Muckamuck of the city rejoiced in the name of Fou Hu Yun. His position corresponded to that of our mayor, and he occupied it because he could eat more rice at a sitting than could anyone else in the city. Fou Hu Yun loved his city and it grieved him sore to see his people go to neighboring towns to buy fans. Many a time and oft, as he pillowed his head at night on his block of wood after the fashion of his country, did he rack

his brains for a scheme to lure a fan-maker to his city, but nothing of a feasible nature occurred to him.

About this time there arrived in the city a stranger who desired speech with its rulers. His robe was of sky-blue silk with dragons wrought thereon in thread of gold and his queue was four feet long. He was evidently an important personage so the Lord High Muckamuck called together his merchant princes, the owner of the chop-suey place, and the tea merchant, and the rice dealer, and the laundry-man, and the seller of silks and sandals—all these called he to meet with him and to hear the words of the stranger, for they were his councilors. And when they had been given tea and were squatted on the floor of the council hall, the man with the blue robe arose and said: "Greetings I bring to you, O children of the morning—greetings and good tidings. Hear what I have to say and give ear to this plan which I shall presently unfold to you and so shall great prosperity come to your city.

"First, you must build a great wall about your city so that no one can enter save at one gate only. And on that gate you must set a guard, who will see that nothing is brought into the city that can be bought inside. Then shall your merchants be able to set the price of their wares much higher than they now are and so advance the wages of their

servants. Then shall your city come into a golden age, for everyone will be receiving much more than he does at this present."

And the Lord High Muckamuck and all the merchant princes cried: "Attaboy!" and clapped their hands.

And the friend of the people spake further and said: "I am Blue Moon, a fan-maker, and I have heard that in all your beautiful city there is not a fan for sale. Now your city is poorly located from a fan-maker's standpoint. The wood for the handles must be carried seventeen li on the backs of coolies whose feet will be cut on your stony roads, and paper here costs double what it does in the towns nearer the coast. Nevertheless, if you will build this wall and so permit no one to bring fans into the city from other markets, I will set up a fan factory in this place so that no hand in all the city need go fanless."

And the merchant princes were pleased with his words and cried: "Hear him, hear him!"

And when Blue Moon had made an end of speaking Fou Hu Yun arose and thanked him in the name of his city. And he caused his cook to prepare a bowl of soup for his guest made from the gizzards of young frogs, and presented him a free site for his fan factory.

And on the morrow Fou Hu Yun called together a great meeting of all the workmen of the city, and he showed unto them his plan for increasing their prosperity by building a wall about the city. And when he had ceased speaking, the workmen threw their slippers into the air and hugged every man his neighbor. And Hop Sam Quick, the head of the labor union, answered and said: "Your idea of higher wages hath a sweet sound in the ears of your servants, O Lord High Muckamuck! So up with the wall and to heck with poverty." And all the people nodded their pigtailed and said: "Ki-yi, ki-yi!"

So they built a great wall about the city. Of stones and mortar did they build it and left no opening save one gate only. And at that gate they set on guard One Lung, a man noted for the hideousness of his yells. Him they equipped with horns and painted his face horribly so that he should discourage peddlers from entering the city. And there was nothing allowed to come in through the gate that could be bought inside, according to the advice of Blue Moon, the fan-maker.

And when the wall had been completed Yo Nigh, the owner of the chop-suey place, called unto him his faithful servants and said: "Today is a new order ushered into our city, an era of prosperity. Now that the wall has been built to prevent rogues from stealing the trade of honest men I have increased the price of chop-suey from seven cash to fourteen a bowl, so that your pay envelopes may be made fat. No longer are your wages 100 cash a week, but 150." And they bowed their heads to the ground and thanked him and went their way back to the dining-room with joy.

Likewise instructed Fang Quay Gong, the rice dealer, his servants that they should straightway charge two candareen for a sheng of rice that had formerly cost but one, and to their great delight he increased the wages of his men from two-and-a-half mace (320 cash) a month to tiao (480 cash).

And so did old Hu Chaw, the tea merchant, and Sing Sing, the seller of silks and sandals, and Jim Lee, the laundry-man. All of them doubled the prices of their wares and increased the emolument of their servants 50 per cent. And great joy was upon all the city, for never had so much

money been handled by the common people. And the workmen builded a great bonfire in honor of Fou Hu Yun, under whom the city had achieved such great prosperity.

Now in all the city there was no heart so glad as that of Fou Hu Yun on the day when the wages of his people soared. For he wished that his people might be the happiest in all the land, and with their increasing wages such a consummation seemed not far off. Every morning he patted himself on the back and offered up thanksgiving at his favorite pagoda for that the gods had seen fit to bless the people of his city while he was in office. But after a time he began to be troubled. For things were not turning out right. Prosperity had come to his city, but to the few rather than to the many. The merchants waxed wealthy, builded them fine houses, and dressed in silks of wondrous hues. But the workingmen seemed to be in difficulties.

Now about this time there arose one Sum Sens, who set up a soap box in the market-place and said: "How long shall we go on half-rations, O Crossopterygian Ganoids, when our wages might buy us food a-plenty if we but throw open our gates and go out where rice may be had for one candareen a sheng instead of two as we pay at this present, and where the cost of tea is a mere trifle."

But the people would not heed his counsels. "Fool!" said they to him, "Are not our wages barely enough to support life now? And if we allow other wares to come into the city shall we not thereby cut ourselves off from the wages we now receive?"

And they stoned him with great stones so that he died.

As time went on the merchants grew more and more in wealth. But the masses grew more and more destitute. And when the merchants saw the destitution of their servants, they said to one another: "The lower classes must indeed be vastly improvident. They are not capable of managing their own affairs. Let us, therefore, offer them rice if they will sell themselves to us as slaves."

And when they had made this generous offer the people accepted. "For," said they, "it is better that we eat the rice of bondage than starve as free men." So they sold themselves as slaves.

Now all this was a source of great distress to Fou Hu Yun, the Lord High Muckamuck, for to achieve prosperity within a wall seemed a simple matter. Many nights did he lie awake lost in perplexity at the impoverishment of his subjects by the granting of higher wages. And on the day that his people sold themselves into slavery he uttered a piercing yell, and with foam-flecked lips and eyes slanting at an angle of 45 degrees he rushed through the gate of the city and cantered away northward in the direction of Siberia.

Moral: You can fool most of the people most of the time.

Contributors to This Issue

ANNE MARTIN, a native of Nevada, was the leader of the Nevada Equal Suffrage campaign 1911-14, chairman of the National Woman's Party 1916-17, and independent candidate for United States Senator from Nevada in 1918 and 1920. From 1897 to 1899 she was professor of history in the Nevada State University. She is a contributor to current periodicals.

NORRIS HODGINS is a student of economics at Macdonald College in the Province of Quebec, Canada.

In the Driftway

UNCLE JOHNNY SHELL, who claimed to be the oldest man in the world, has just died at the alleged age of 134 years. Already numerous careful investigators have come forward to declare that Uncle Johnny showed no signs of being more than a hundred at the very most, and the Drifter is not one to take issue with them. What does interest him is speculation concerning a lifetime twice as long as the average. Between 1788 and 1922 stirring changes in the mechanics of living took place. Not that any of these changes affected Uncle Johnny in the least, for apparently he spent his life in the one-room house in which he was born and was a complete stranger to "modern improvements." Nearly the whole history of the American republic lies within those years; during that time the German Empire rose and fell; four sovereigns of England ruled and joined their fathers; Fulton invented his mysterious craft and the modern Majestic rides upon the waves. In 1788 Second Lieutenant Buonaparte was on leave in Corsica; Jane Austen, a young miss of thirteen, was composing amiable satires on the novels of her elders; and, New Hampshire having at last ratified it, the Constitution of the United States went into effect.

* * * * *

ASK almost anyone whether or not the world has progressed since 1788 and he will stare at such a question. Progress? Certainly. Do we not have bathtubs and electric lights and steam yachts and telephones and subways and elevators and refrigeration and the eight-hour day and the vote and the motor car and the steam drill and the skyscraper and fresh vegetables every morning although we live fifty miles from where they are grown? Of course the Drifter is not one to dispute those things either. Not that he expects ever to have a steam yacht or to accomplish anything with his vote, but he is on speaking acquaintance with many of the other items. He admits that it is easier to get from place to place now than it was in 1788; he admits that it is easier to be clean; he would never deny that more kinds of food and more intricate clothing and higher houses and more powerful guns can be had now than a century and a quarter ago. But whether man's inhumanity to man is any less or his preoccupation with the things of the mind and spirit greater than it was 134 years or 2,000 years ago is another matter entirely. Certain changes in nomenclature have undoubtedly taken place. In Rome the slaves were called slaves and lived like slaves; in the modern industrial world the worker is not called a slave but an appallingly large percentage of him lives on a salary which is below the minimum subsistence level, and as a result his wife and his children and himself are slaves to the miserable business of keeping alive. In the Middle Ages heretics were burned at the stake; in the twentieth century Negroes are. The vassal was compelled to fight for his lord; today we have conscription.

* * * * *

WELL, well; this is all very puzzling to the Drifter, especially in hot weather. Progress, to him, is a matter of the spirit; thought may progress; ways of living may only change. But that they have changed is undeniable, and if Uncle Johnny Shell had only had the foresight to live another 134 years he might have seen more changes still.

THE DRIFTER

Correspondence

"Taxation Without Representation" in the Catholic Church

TO THE EDITOR OF THE NATION:

SIR: Some years ago the late Archbishop Ireland attempted to initiate a movement looking toward the appointment of American cardinals to the Roman Curia. Unable to gather an American hierarchical chorus about his own voice, when he set out to press the papal authorities to democratize the government of the church, he pleaded alone.

Ireland's plea unfortunately was unsuccessful, and until this day 16,000,000 American Catholics, whose own national government grew out of a "taxation without representation" situation, have no representative in Curia. Although the Italian Catholics have a working majority, Catholics of almost all the world's Powers save American Catholics have some representation. French Catholics, German Catholics, Spanish Catholics, English Catholics, Dutch Catholics, Italian Catholics, each of these groups has one or more congregational cardinals at Rome.

This state of things endures notwithstanding the exceptional prosperity, both spiritual and material, of the church in the United States. American Catholics are taxed in money for the support of the Universal Church, and in blood—priests, nuns, and lay workers—for the irrigation of foreign mission fields. This "taxation without representation" fact shadows the background of the autocratic Curia like a gigantic silhouette, and causes even its well-wisher to hesitate about measuring the human government of the church in government of the people, for the people, and by the people terms.

As a result of the unrepresentative make-up of Curia a committee of foreign cardinals is now sitting in judgment upon a social organization of American Catholics. Several weeks since, the Consistorial Congregation dominated by the reactionary De Lai, made a destructive gesture at the National Catholic Welfare Council, ordering its dissolution. Although the Pope subsequently reinterpreted the order, the trial of the council goes on and the verdict decides the nature and the functioning of the council for the future.

The National Catholic Welfare Council has been operating along social lines for the past few years, and its social reconstruction program, popularly known as the bishops' program, is an echo from the church's golden age. In a period of the medieval epoch the church had a definite social and economic philosophy and practice, pivoting around the guild system and the "just price," and compromise with capitalism was at that time not only unknown but impossible. Therefore socially minded elements of all religious and non-religious groups are watching Rome now and awaiting its decision with no inconsiderable curiosity and interest. Among them are many who wonder why the American organization was singled out for Roman censure and the much more liberal Catholic social movements in Ireland and Italy itself left untouched.

Mid-June dispatches from Rome carried the list of the judges who will hear and decide the council's case; there is not an American name on it. Incidentally, the Vatican was quick to deny the absurd newspaper report that it considered the National Catholic Welfare Council to be hostile to the laws of the United States. Gasparri, papal secretary of state, is the ranking judge, and with Merry del Val, Bisleti, Sbarette, Van Rossum, and Pompili constitutes the court. All are cardinals and Gasparri, Bisleti, Sbarette, and Pompili are Italians; Merry del Val is a Spaniard and Van Rossum is a Hollander. Not one of the judges is widely traveled and Merry del Val alone speaks, reads, and understands English intelligently.

This so-called revisionary committee is strikingly un-American not only in its lack of American representation but also in its undemocratic substance as a whole. Because its general membership is so un-American, if not anti-American, in education

and viewpoint, there is a widespread belief in this country that His Holiness will introduce representative American judges in the National Catholic Welfare Council's trial before any final verdict is brought in. This expectation has acquired strength from Archbishop Hanna's public statement that "the question of administration and work of the council will be settled with that justice and fairness that ever characterize the Holy See."

New York, July 1

JOHN HEARLEY

Let Us Have Fair Play

TO THE EDITOR OF THE NATION:

SIR: I am greatly distressed over the proposed discrimination against Jewish students. What has become of Harvard's sense of fair play? I could point out many an influence that is fraught with greater danger to Harvard's traditions and policies than those which the Jewish student whose cultural antecedents and ethical background are beyond question might exert on the college community. I earnestly hope that the proposed restrictions will not go into effect. The world is quite full enough of hatred and selfishness!

Munich, June 30

JAMES LOEB

Patrioteering

TO THE EDITOR OF THE NATION:

SIR: I hope you will allow me this expression of appreciation and admiration for the able and timely article on patriotism by Mr. F. B. Kaye in your issue of July 5. Many an American lover of his country is sick of the gabble that has been prevalent, especially during the past year, in behalf of a so-called patriotism that is, as Mr. Kaye says, not a genuine patriotism but a narrow provincialism. Incidentally he gives it a good name—patrioteering. He shows very clearly that it is ultimately due to lack of education.

I wish that every teacher might read Mr. Kaye's article. Teaching patriotism is like teaching play. The fact is that you can not teach any one to be patriotic any more than you can teach any one to be playful. In either case the natural, normal feeling can be directed, but in neither case can it be "whooped up" and at the same time be genuine.

Charlottesville, Virginia, July 8

JAMES H. DILLARD

Indian Taxes Again

TO THE EDITOR OF THE NATION:

SIR: Mr. Robert Wilberforce in your issue of June 21 intimates—though he does not say—that the Indian Legislative Assembly acted in the interests of India in rejecting new excise duties on Indian cotton goods and import duties on foreign goods. He misinterprets the situation. Import duties are a source of revenue, and they are also supposed to protect native industries. But the aim of the present Government in India has always been and is to destroy Indian industries. Here is another conflict of interests and here is where the excise duties on Swadeshi come in. They serve to counteract the advantage that import duties give to the native manufacturers, and it is in the interest of English manufacturers that the difference between the two duties be as small as possible. Before the attempt to change this status, the difference was 7½ per cent. The Assembly (as your correspondent says) voted against the proposal to raise the excise duty on Swadeshi from 3½ to 7½ per cent, and this was in favor of the non-cooperationists who would do away with what they call the "iniquitous excise duties." But legislators can reverse themselves. This was the first day's vote, and if the Assembly had kept to the budget proposal to raise the import duty 4 per cent there would have been a difference of 11½ per cent between import and excise, which would have been favorable to India—and what Lancashire

was angling for was a 3½ per cent difference. "The position of the Government," says the *Bombay Chronicle*, "was one of extreme delicacy." So the following day the Assembly forsooth had to right-about-face and "reject" (as Mr. Wilberforce says) the proposal to raise the import duties 4 per cent, which would have protected Indian cloth. Finance member Sir Malcolm Hailey hustled to get votes enough to keep the import duties at 11 per cent—thereby keeping the difference at 7½. Rejecting the raise, that is to say, was *against* the best interests of India. As a correspondent wrote from Delhi: "Although the increase in tariff meant encouragement for the use of khaddar and consequently the strengthening of the national movement for independence, it was voted not to increase the import duty from 11 to 15 per cent."

Mr. Robert Wilberforce, not *The Nation*, has erred.

New York, June 23

BLANCHE WATSON

The Growth of Anti-Semitism

TO THE EDITOR OF THE NATION:

SIR: Anti-Semitism in America is on the increase; it shows its ugly head in every walk of life. Those of us who still sympathize with the 1776 manifestation of 100 per cent Americanism should take cognizance of this fact. The Bellocs may demonstrate that anti-Jewish feeling is historically inevitable; that it springs forth wherever the Jews assert themselves aggressively; that it is an incurable evil, etc. But a more thorough study of this racial animosity shows it to be largely of an artificial nature. Anti-Semitism in this country, being less deeply rooted, thrives primarily upon chimerical delusions: it is roused from its dormant state by misguided and invidious minds. Before the war we regarded the Jews, other than our friends, with indifference. But the hysterical outpourings of the *Dearborn Independent* and the designing insinuations of war-flustered "prominent citizens" could not but instil an unreasoned apprehension of the Jew in the minds of many Americans.

This fomentation of racial prejudice has now begun in our colleges. While a student at the University of Michigan and Harvard University I had several occasions to discuss this question with both students and faculty members. These discussions were quite theoretic. The intelligent student regarded the snobbery of the fraternities as nothing more than sophomore prejudice. But since Harvard's proposed discriminations against Jewish students became public, there has set in a feeling of distrust between the two classes of students. Jewish students somehow cannot help betraying a feeling of guilt when with non-Jewish students: a feeling of "not belonging"; and the Gentile students feel the necessity of being less friendly with students of Semitic origin.

I have the greatest admiration for the intelligent courageousness of President Lowell. But his letters to Mr. Benesh reveal an adroit sophisticatedness; they do not express the true and fearless Mr. Lowell. I cannot believe that he fully realizes the evil consequences of his present attitude toward the Jewish students. A discrimination against them would not only foment the latent forces of race prejudice, not only further social inequality in America, but would forever blotch the fair name of Harvard in the eyes of posterity.

New York, July 8

CHARLES A. MADISON

A Soft Answer Is Urgently Needed

TO THE EDITOR OF THE NATION:

SIR: I have just read some of your rotten lying editorials on the Irish question, and hasten to tell you to discontinue your tory sheet and get subscribers among the friends and members of the murder gang in whose interests your editorials have been written.

Lebanon, Pa., July 10

MARIE J. SULLIVAN, R.N.

The King of Thule

By EDWARD SAPIR

I've heard of a kingdom in Thule
Where the blessed go,
And they tell of the king of Thule
Letting his beard grow
Long and white with the years and
Long as the wide snow.

And they say that in that kingdom
Winged harpers play
That the king may listen to chamber
Music night and day,
That the king may hear his praises
Coming night and day.

The ears of the king are tireless,
Gathering melody,
His eyes are fixed on space and his
Hands folded away—
And what he sees in space has
Never been told to me.

They say that the green earth is
Trafficking with him,
He blows down many weathers and
Signs and omens dim
In exchange for many prayers
Glorifying him.

He's a thoughtful king in Thule,
Governing from there,
From where the tunes are floating
Flattering in the air,
With an eye that is fixed on space in a
Comprehending stare.

Yet we cannot be sure of legends
Coming from our wise
Grandfathers and grandmothers,
Many of them are lies.
Our aching hearts can tell us that
Many of them are lies.

Words

By JAMES RORTY

Since you ask me for words, I shall not lie to you.
I say: There are already too many words.
I stand beneath a yellow moon and skip stones in the sea.
These are my words: Go you and do likewise and be silent.

Since you ask me for light, I shall not lie to you.
We live too much in light.
There is a god who pities the Sons of Light. One day
he will walk through all the lighted wastes of the world,
Snapping out the lights, snapping out the lights,
And in darkness the Sons of Light will hear their hearts
begin to beat again,
And the Sons of Light will sigh a great sigh, like the sigh
of a warm wind at evening beneath a yellow moon.

Books

A Homer from Hogwallow

Slabs of the Sunburnt West. By Carl Sandburg. Harcourt, Brace and Company. \$1.75.

CARL SANDBURG strays further than any American poet from the accepted poetic vocabulary. In this small volume page after page erupts with "humdinger," "flooeey," "phizzogs," "fixers," "frame-up," "four-flushers," "rakeoff," "getaway," "junk," "fliv," "fake," "come clean," "get 'em bumped off," "a 44-gat," "galoot," "gazook," "gabby mouth," "hoosegow," "teameo," "work plug," "love," "slew him in," "bull," "jazz," "scab," "stiffs," "hanky-pank," "hokum," "bum," "buddy," "booze," including two pages hashed brown in this fashion:

"You're trying to crab my act.
You poor fish, you mackerel,
You haven't got the sense God
Gave an oyster—it's raining—
What you want is an umbrella. . . .

"Hush baby!
Shoot it,
Shoot it all,
Coo coo, coo coo."

"This," says the poet, "is one song of Chicago." One page later he has reached another song:

"Venice is a dream of soft waters, Vienna and Bagdad
recollections of dark spears and wild turbans; . . .
Berlin sits amid white scrubbed quadrangles and torn
arithmetics and testaments; Moscow brandishes a flag
and repeats a dance figure of a man who walks like
a bear.

Chicago fished from its depths a text: Independent as a hog
on ice."

Any poetling might have called Venice a dream of soft waters, and evoked Bagdad in a clash of spears and a swivet of turbans; many a pen could have done as well with Moscow as Sandburg does; but only a poet of high rank could have caught that amazing flashlight of verity, Berlin sitting beside her steps scrubbed clean, "amid torn arithmetics and testaments." As for Chicago, Sandburg once called her, "Hog Butcher for the World." "As independent as a corpse" is quite an idea; its utility as a metaphor is increased, if we make it the corpse of a hog. It is a cold, clammy metaphor for a city, at that; it might be livelier. Yet what is the Homer of Hogwallow to do but chronicle faithfully his city's battle-cry?

It is easy to read any page of the book to yourself, or aloud, and decide confidently: Not a line of poetry there! It is no harder to read it in an altered, rarer mood, in which the page possesses, suffuses you, and wakes you to the high delight that flowers only when poetry is the bud. This is the paradox of Sandburg: if you are attuned, receptive, you lay him down with the same emotional thrill that comes from reading Robinson or Robert Frost, De La Mare or Elinor Wylie; yet when you inspect his slang-dipped lines, none of the accustomed road-signs to magic and beauty are to be found—only detours pointing to shanty-towns and hog-pens. One quality he has, a taut-lipped, double-fisted fighting quality:

"The strong men keep coming on.
They go down shot, hanged, sick, broken.
They live on fighting, singing, lucky as plungers.
The strong mothers pulling them on . . .
The strong mothers pulling them from a dark sea,
a great prairie, a lone mountain.
Call hallelujah, call amen, call deep thanks.
The strong men keep coming on."

The sardonic reverse of this is given in *At the Gate of Tombs*:

"If any fool, babbler, gabby mouth, stand up
and say: Let us make a civilization where the
sacred and beautiful things of toil and genius
shall last—

"If any such noisy gazook stands up and makes
himself heard—put him out—tie a can on him—
Lock him up in Leavenworth—shackle him in the
Atlanta hoosegow—let him eat from the tin dishes
at Sing Sing—slew him in as a lifer at San Quentin."

The modest publisher's announcement describes these as
"lovely lyrics." The book contains three longish poems, *The
Windy City*; *And So Today*, taking its theme from the burial
of the Unknown Soldier; and the title poem. The poet's method
does not always succeed. This description of a canyon, from
the title poem, is an exhibit:

"An arm-chair for a one-eyed giant,
two pine trees grow in the left arm of the chair;
a blue-jay comes, sits, goes, comes again;
a blue-jay shoots and twitters . . . out and across . . .
tumbled sky-scrappers and wrecked battleships,
walls of crucifixions and wedding breakfasts;
ruin, ruin—a brute gnashed, dug, kept on—
kept on and quit: and this is It."

But there are rare penetrative flashes that reward the searcher:
"the fang cry, the rip claw hiss, the slant of the slit eyes
waiting"; "the snouts of the hungry hunting storms"; "so many
stars and so few hours to dream"; "red rivers to cross"; "the
plows sunk their teeth in."

When we seek to unlock the paradox and unriddle the spell,
there is perhaps a real kinship with such workers as Mrs.
Wylie, Mr. Frost, Mr. Robinson—a kinship in word-selection.
These poets slice away all padding, all adiposity, until at times
even the skeleton is nicked. Sandburg, despite his apparent
verbal freshets, is a word artist with the best. Deeper than
that, his themes are well chosen: they are vital, stark, fit to
evoke that thrill that comes from poetry. Having chosen such
a theme, this poet usually clothes it in a fish-peddler's patches,
or a miner's overalls, ore-stained, blood-stained—a motley of
brutality and slang. Thus it comes to us: if we judge solely by
appearances, it is slang, crudity, a ramp-rat, an eeler. If we
hear it with intent ear, the theme behind comes with its thrill—
a thrill the more effective because so unexpected. The effect
is that of a perverse imp masking poetry behind the face of a
gargoyle.

Once I visited an old gentlewoman who was persuaded to
exhibit to me her cut-paper masterpieces. Out of a square-yard
of wrapping paper she had snipped and snipped hundreds of
fragments. Examined closely, it was patternless, meaningless.
Two neighbors held it against the wall; it was still a crazy-
quilt of little holes. I was told to walk to the wall across, and
turn. The paper now revealed the head of Christ. Again, the
Big Dipper is only a dipper from our Gopher Prairie in the
starry plains; and as the Dipper's stars are in two streams
moving past each other, all likeness to a dipper will vanish at
last. So with the poetry of Sandburg. Seen rightly, it is a
dipper, and not a cubist lollipop; seen from the right distance,
with the right eyes, it is no habble-gabble of nothingness; it
possesses that kinship to the divine that breathes through all
poetry.

Mr. Sandburg's method, including his vocabulary, limits his
audience today, and does more to his lovers of tomorrow. For
slang is last night's toadstool growth; some of it is trodden
underfoot before the page that uses it leaves the presses. A
few of its current phrases will enrich the persisting language;
most will not. Whitman, by the use of unfamiliar rhythms,
delayed his recognition, and has never reached the crowd he
sought; Sandburg uses rhythms as unfamiliar, and a vocabu-
lary that tomorrow will speak only to the archaeologist. The
college curriculums of 1950 may bracket his work with Beowulf
and the Ancrén Riwele, as Old American or Early Hogwallowan.

It will take unusual vitality to overcome this handicap. In any
case, he is uniquely himself, penetrating, courageous, heartening.
Among our peak poets are many who see life as "still a darken-
ing hill to climb." Their outlook bars them from the loftiest
flights; he who has lost faith sinks, as Peter sank. And Carl
Sandburg is full of faith: of theirs is the kingdom of song.

CLEMENT WOOD

Public Opinion and Democracy

Public Opinion. By Walter Lippmann. Harcourt, Brace and
Company. \$3.

The Press and the Organization of Society. By Norman Angell.
London: The Labor Publishing Company, Ltd.

HERE are two books which attempt to answer these ques-
tions: What is wrong with democracy? Can democracy
be achieved, and how? Both authors have been earnest and
searching students of political processes, and both offer the
same general remedy, which is broadly: Supply authentic in-
formation; without it intelligent opinion is impossible and prog-
ress unthinkable. Yet, while there is close sympathy between
the views of the two writers, their solutions diverge widely.

Mr. Lippmann's book is a treatise on psychology, an essay
on the philosophy of the individual's public mind. It is not a
hopeful picture. Mr. Lippmann's conclusions lead him far
afield. As our civilization grows vertiginously more complex,
as it mushrooms out into a thousand new fields, no man can
keep pace with it. What passes for public opinion is the merest
fusion of lightning images, superficial impressions, stereotypes,
prejudices, projections of codes, or of blind spots of self-interest.
No completer picture of the hopeless inability of the average
member of the human race to grasp the vital problems of the
day has been painted. Mr. Lippmann's treatment is almost
wholly objective. He attacks his subject painstakingly and
with scientific minuteness from angle after angle, yet his dis-
couragement shines through clearly. Tired Liberal! With
these major premises there can be no disagreement. Indeed,
Mr. Lippmann has furnished as thoroughgoing an analysis of
the limitations of *homunculus sapiens* in the civilization which
he has helped create as can be needed. All discussion of reme-
dies, all constructive proposals may well start with Mr. Lipp-
mann's assumptions. They are tragically and obviously true.

His resulting hypotheses are open to more doubt. First, as
regards our social structure: "It is not longer possible to be-
lieve in the original dogma of democracy; that the knowledge
needed for the management of human affairs comes up sponta-
neously from the heart." He develops this theme and reveals
at once the scope of the volume. By implication, as well as
actually, our whole social order is challenged. One is tempted
to exclaim: What, so soon, and with monarchy barely in the
act of being discredited! were it not that this same doubt is
assailing thousands of thinkers, intriguing our most buoyant
and faithful believers in democracy. Apparently, almost before
our eyes, the structure is breaking down. Is Bernard Shaw
right, is the span of life too short—and no way out? Or is
there—we digress here entirely from Mr. Lippmann—hope in
genetics, in the gradual elimination of the unfit and the scien-
tific breeding of a better race, more capable of grappling with
complexities of its own making?

Another hypothesis relates to informing the public, namely,
that "news and truth are not the same thing." "The function
of news," says Mr. Lippmann, "is to signalize an event, the
function of truth is to bring to light the hidden facts, to set
them into relation with each other, and make a picture of
reality on which men can act. Only at those points, where
social conditions take recognizable and measurable shape, do
the body of truth and the body of news coincide. This is a
comparatively small part of the field of human interest." His
conclusion is—though we are not adhering to the sequence of
his argument—"that public opinions must be organized for the

press if they are to be sound, not by the press as is the case today." And Mr. Lippmann's remedy, briefly, is the organization of information through highly trained experts, intelligence bureaus, research organizations, who would place the accumulated material at the disposal of government. The proposal is entirely sound, but coming at the end of Mr. Lippmann's profound analysis of the roots of human ineptitude his solution seems strangely inadequate. There is almost a Bergsonian humor, a grotesquely anti-climactic element in his remedy. He is aiming at a conflagration with a squirt gun. There is something quasi-moralistic, something pleading, in this solution. It suggests, almost, those earnest souls who, contemplating a world in chaos, say "the application of the principles of Christ would solve our earthly ills." Perfectly true. But the principles remain unapplied. "Grow wiser," urges Mr. Lippmann, revealing the jadedness of his hope by admitting that of course "good-will" is essential. Yet not for an instant do we mean to disparage his proposals. Despite the obvious limitations and the immense perversions to which their execution would be susceptible, their intent is everlastingly right, their basis scientific, and even if they accomplish little—and Mr. Lippmann has no illusions about the practical difficulties in the way, nor the smallness of such beginnings—they are a step in the right direction.

It is with Mr. Lippmann's minor premise that we differ. We do not agree that "news and truth are not the same thing." Multiple instances may be cited where they may seem in the light of the journalistic technique of past and present to be essentially different. A better, a future technique will ally them more closely, will approximate, will more nearly identify them. The way will not be easy. It will not be through the debauchers and perverters of public taste, through the lustful for power, through the prostitutes in editorial chairs. But journalism affords numerous if isolated and temporary testimonies of the possibility of serving most highly with truth and of receiving the recognition of that fact as the first and greatest reward. And again we differ from Mr. Lippmann's conclusion that public opinion must be organized for and not by the press. True, the press has not in the main done it. But even if the press "is like the beam of a searchlight that moves restlessly about, bringing one episode and then another out of darkness into vision" and that "men cannot do the work of the world by this light alone," there is no reason why Mr. Lippmann's remedy cannot be made adjuvant to it. Beyond human frailty—controlled by checks and balances of human devising—we cannot go. The experts' life intrenched in bureaus, caged in commissions would be prey and subject to the same pitfalls. Yet the press can and could do it, though it means a fundamentally new approach and the same large measure of "good-will" which Mr. Lippmann invokes. Some of Mr. Lippmann's own excellent suggestions concerning the weakness of present news-management point the way—but space is lacking to develop that subject here.

Mr. Norman Angell undoubtedly shares this view. His book, less important than Mr. Lippmann's, is a short and simple outline of the major complaints so often iterated against our newspapers (though his scene is chiefly laid in England) with a few practical suggestions for their improvement, and for the elimination of some of the more sinister influences which may control them.

Mr. Lippmann's book is essentially the matrix from which further stimulating and thought-provoking contributions to the current analysis of society will be extracted. He is dealing with cosmic material, and his touch is less certain than in his previous books. In a footnote he refers with fine frankness to a distinction which he "did not understand clearly enough to state" when he wrote "Liberty and the News." So, too, much for which he is obviously groping in "Public Opinion" will under criticism and reflection become clearer and more crystalline. "Public Opinion" is a miscellany of observations, jottings, glimpses, as invaluable in their transilluminating of the Great

Society as are the excavated utensils and fragments of a prehistoric culture in revealing another civilization. We need more and more of Mr. Lippmann's kind of searching if mankind is to chart a course it can navigate without disaster.

ERNEST GRUENING

Goethe as Critic

Goethe's Literary Essays. A Selection in English Arranged by J. E. Spingarn. With a Foreword by Viscount Haldane. Harcourt, Brace and Company. \$2.

THE essays and reviews that constitute this volume have never before been assembled in any language in a single book. That book is, therefore, from now on an indispensable one to the student of Goethe. Yet its contents do not, as Mr. Spingarn very frankly admits, give us a just idea of Goethe's critical spirit or activity. Such an idea could have been communicated only by giving many of the gnomic poems, very many of the "Sprüche in Versen" and the "Sprüche in Prosa," and hundreds of passages scattered up and down the vast correspondence. The best of Goethe's criticism, in a word, is occasional in origin and aphoristic in form. Yet from the essays that Mr. Spingarn has brought together it is possible and indeed easy to state once more the critical attitude and philosophy that has caused men as different as Sainte-Beuve and Matthew Arnold, Remy de Gourmont and John Morley to pronounce Goethe the supreme critic of all times.

That critical philosophy may be quite briefly formulated:

- (1) Art is personal and creates its own laws by what it is;
- (2) art is the expression of concrete experience;
- (3) the concretely real is the universally significant.

In his twenty-fourth year Goethe had completely thought out the liberation of the artist from the preceptists of his century. "More harmful to the genius than examples are rules." He addresses the entire progeny of Boileau: "You wish to teach us what we ought to use since what we do use cannot be justified according to your principles." The year of that remark was 1773. It is not superfluous yet. The desire to systematize the universe once and for all and to force art to illustrate your little pet systematization of it has not yet fled the critical breast. In 1799 Goethe summed up the matter in final form: "Art itself gives laws." And by that he meant not that the art of the ancients or of some "grand siècle" gives laws to the artists that follow, but that each genuine creative work comes into being—according to an inner law of its own which is completely stated only when that work is itself complete. From this truth arises the psychological corollary that "every artistic production places us in the same state of mind in which the author was." From it arises as well the necessary method of the critic which is to ask: "What did the author set out to do? Was his plan reasonable and sensible, and how far did he succeed in carrying it out?" And from it finally arises the critical mood which is one of "wise passiveness" and sympathetic receptivity: "If you read a book and let it work upon you, and yield yourself up entirely to its influence, then, and only then, will you arrive at a correct judgment of it."

It was from Goethe the poet that Goethe the critic learned to know the fundamental nature of art as the expression of experience. All his poems were, in the deepest sense, "poems of occasion"—*Gelegenheitsgedichte*. Without the *Gelegenheit* in reality there could be no creation in art. "I have never uttered anything which I have not experienced and which has not urged me to production. I have only composed love songs when I have loved. How could I write songs of hatred without hating?" And what applied to the simplest lyric he knew how to apply with equal force to the most elaborate works of the creative imagination. Hence he saw clearly that reality is the soil of art and that "at bottom no real object is unpoetical, if the poet knows how to treat it properly." The denial of a priori unpoeticalness as inherent in any reality makes Goethe the pro-

hetic and magnificent liberator of all art since his time.

He knew of course that expression must be communication, that the concrete experience of the poet must speak to all men. But he saw at once that, from the very nature of things, such was indeed the case. "A particular case becomes universal and poetic by the very circumstance that it is treated by a poet." And not by that circumstance alone. He had learned from Spinoza that the qualities of a thing are of its essence; therefore the essence of any thing—any *ens*—is of the essence of the universe itself and therefore of the essence of God. Thus he knew it to be as true philosophically as practically that "if a thing be but well represented in art it will symbolize all else" and serenely pronounced his ultimate critical maxim which applies to nature as well as to art:

Willst du ins Unendliche schreiten,

Geh nur im Endlichen nach allen Seiten.

The measure in which the artistic projection of concrete experience becomes universal is the measure of the poet's creative power. It is "according to his powers" that "each one is able to develop the universal out of a special case." But the process is a natural one and conformable to the character of man and of his world in which all the perishable things are also imperishable because they are symbols. "Alles Vergängliche ist nur ein Gleichnis." But by virtue of being not only but necessarily symbols of eternal things the concrete experiences of mortality assume a supreme importance. Thus our passions are justified; our pangs are part of a lasting order; our art, founded in the soil of life, to the extent in truth to which it is deeply founded herein, is touched, like a tall, deep-rooted tree, by the light of a sun that does not set or darken.

LUDWIG LEWISOHN

Mr. Belloc's Jews

The Jews. By Hilaire Belloc. Houghton Mifflin Company. \$3.

IN the international Jewish community Mr. Belloc finds a synthetic bogyman—"alien," "nomad," master-financier, master-bolshevik: a fear and a scorning in all the earth. There is a Liberal fiction, says Mr. Belloc, that the Jew isn't a Jew, but a citizen like "us." He counters with a pet fiction of his own, to wit, that the Jew is an "alien" who cannot even understand patriotism in "our sense," who owes loyalty to his Israel only, and ought by no means be allowed full citizenship on a par with his "hosts."

Admittedly ignorant of the causes that have made for the survival of the Jewish people as a distinctive entity, as well as of the factors that have forced them to mass-migrations, Mr. Belloc conceives Israel as a powerful agent working secretly for ends of its own. He is caught in the toils of the medieval notion that identified race and religion with citizenship and political allegiance, and cannot envisage this international community, bound by strong ties of race and kinship, religion, tradition, and culture, as anything but a political unit, wielding an invisible government. Yet a student of "The Jews" might be expected to know that their fundamental rule of conduct as citizens is summed up in the dicta: "The law of the land is the law" and "Seek ye the welfare of the land wherein ye dwell."

Certain facts, Mr. Belloc says, must be recognized both by "us" and by the Jew if disaster is to be averted. For one thing, we must know himself for the alien that he is; and for another, he has made himself the master of Europe and Islam, and we shall not stand for his rule any longer. He won't even trouble to conceal his contempt for us simple *Goyim*. It is true enough that the masses of the Jewish people are miserably poor, but "the Jew" is "our ruler" nevertheless. He holds high place in "our" governments for the benefit of Israel; he is an international financier and doesn't tell you that he has a brother in Galicia; he is a monopolist; he controls our press, and is a power in many places where you can't see him. (The reader wonders why some of this vast power isn't occasionally exerted to prevent a pogrom.)

Secrecy is the badge of all his tribe. "Secret societies, a language kept as far as possible secret, the use of false names to hide secret movements, secret relations between various parts of the Jewish body: all these and other forms of secrecy have become the national method." And "all these" hidden mysteries are deduced from a very just criticism of Jews who try to hide their origin behind false names and false fronts.

Though "Christian ethics" of property might be supposed to derive from a pointed distinction between Mine and Thine in a certain non-secret Jewish Book, the Jew is not bound by them. That is why the Jew, and he alone, is or can be a bolshevik. Only a man who takes Henry Ford seriously on the Jewish question can believe fables like these: that bolshevism is "a" Jewish movement; that the Jews "alone were free of all obstacles against the achievement of it [communism]—the obstacle of patriotism, the obstacle of religion, the obstacle of the sense of property"; that the Soviet Government is manned by Jews and a few non-Jewish hangers-on who rule in "national Jewish" interests. Mr. Belloc has apparently never heard of "real Russian" revolutionaries.

Regarding the Jews as aliens in Europe, does Mr. Belloc subscribe to the Zionist plan of creating a Jewish political-territorial homeland in Palestine? No, the Jew is an intruder there also. In Zionism Mr. Belloc sees expropriation of landowners, ousting of the Arab to make place for the Jew, Jewish control of the Holy Places, a parasite colony—things no Jew ever dreamed of. The reader misses the briefest mention of what the Jews have done in the past forty years to reclaim Palestine for Western civilization, or of how their progressive methods in agriculture, industry, sanitation, and schooling are raising the standard of living for all the inhabitants of the country. Neither is there any reference to the desperate physical need of the East European Jews for a homeland, or—equally important—to the revival of the old Hebraic culture that has already re-created the Hebrew language as a living tongue.

The rising tide of irritation and wrath against the "Jew domination" that has culminated in Jewish bolshevism threatens soon to break, says Mr. Belloc, in a way that will be bad for "us" and worse for the Jews. As a humane man who objects to pogroms and the drowning of baby boys, Mr. Belloc looks about for a method of peaceable adjustment between the Jew and his "hosts." Though the solution he offers is "deliberately vague" in outline, and the tone prevailingly friendly, Mr. Belloc clearly says: "Jew, Back to the Ghetto!" "Recognition" of the Jews as an alien community or nationality can be taken to mean nothing else, and nothing less, than their disfranchisement and exclusion from European life, whether the change of status come through the growth of new habits of thought on both sides (as Mr. Belloc would prefer), or through immediate and drastic legislation. The hand of Jacob is proffered, but the voice is the voice of Esau.

It's all for their own good, concludes this friend of the Jews and gives them his blessing: "Shalom le-Yisroel"—"Peace be to Israel!"

LOTTA LEVENSOHN

The Unfortunate Mendoza

The Amouretta Landscape and Other Stories. By Adeline Adams. Houghton Mifflin Company. \$1.75.

The Garden Party and Other Stories. By Katherine Mansfield. Alfred A. Knopf. \$2.50.

The Gentleman from San Francisco and Other Stories. By I. A. Bunin. Translated by D. H. Lawrence, S. S. Kotliansky, and Leonard Woolf. Richmond, England: The Hogarth Press. 4s.

THE first two of these volumes of short stories illustrate admirably two sorts of literary subtlety, the sort which plays about the polite aspects of life and the sort which without ceasing to be subtle sends its roots deep down into fundamental comedy and tragedy. Most of Adeline Adams's

stories dealing with the more respectable sort of artist's life center about this or that minor aesthetic adventure, and, although the way in which she makes nuances tangible is proof of her finesse, she suffers from the anemia which sometimes falls upon the more refined writers. In their reaction from the sensational they seem to fear to touch the more profound emotions which are always a little embarrassing to the over-civilized, and they confine their attention too closely to those aspects of life sufficiently subdued to be discussed at the dinner-table without any of that indecent exposure of soul which is the terror of the well-bred. Before one has finished the nine stories of "The Amouretta Landscape" one longs for some warmer and more full-blooded theme; none of them is important enough to touch one deeply.

Even melodrama has the advantage of dealing, however crudely, with the great things—with loyalty and love and death—and these are the only things important enough to furnish material for the greatest art. Respectable life is not melodramatic in incident, yet it can and must be described with the great forces at play if literature is to be more than a graceful minor art. It is necessary somehow to avoid The Bertha M. Clay Library without falling into The Contributor's Club, and Katherine Mansfield shows how this may be done. She knows as well as Mrs. Adams that everyday life is not spectacular in incident and that it culminates in no theatrical denouement, but she knows also that ordinary life does nevertheless still strike comic and tragic chords upon the deeper strings and that it may be best described in those moments when, though there may be no corresponding disturbance upon the surface, the depths are moved. She can be as scornful as Chekhov of unusual incident and all the artificial heightenings which constitute the ordinary technique of fiction and yet be important because she has achieved a method of expression so perfect that it can reproduce upon paper some outwardly undistinguished incident with all the richness which gives it its poignancy in actual life. In one story, *An Ideal Family*, an old man returning home realizes that he has become a stranger to the brood which he is supposed to head; in another a young girl at a ball comes face to face for the first time with the fact that youth passes. Some are plotless and violate all the canons of the short story, while others are more definitely rounded; but whatever their form they are always simple in material yet important in theme. Though she is as unsensational as Mrs. Adams herself and as close to everyday life as any chronicler of tea-table conversation could desire she is never out of touch with great and passionate things.

It is sufficient to comment at less length upon the excellence of the stories of I. Bunin, not because they are less fine but because their vividness and reality are of a sort which one has come to expect almost as a matter of course from Russian fiction. All Bunin's tales have the gloomy intensity characteristic of his race and foreign to that of Miss Mansfield; some betray that no less characteristic fondness for the violent and the outré which is born of too prolonged brooding upon the darker aspects of the soul; but the best and longest, *The Gentleman from San Francisco*, reveals the same power remarked in Miss Mansfield of weighting a simple incident with poignancy and power. In it an American millionaire sets out after a life of labor to see the world and he returns after a few weeks upon the same ship, occupying this time a coffin instead of his sumptuous cabin. It gets its effect from a remarkable picture of the complicated machinery at the center of all the complex luxury of modern travel and the irony of the millionaire's return lying unregarded in the lower regions along with the vast engines and the army of workers who a few weeks before had seemed to throb and labor only for him. Now another group of equally petty and transient beings lords it upon the deck above.

In the presence of writers like the two here described whose work is so simple and yet so indisputably touched with genius, criticism must admit with some embarrassment its inability to explain the secret. It is easy enough to say that, sticking close

to actuality, they have left out all that is strained or exaggerated, but the secret cannot be anything so simple as an omission. Nor is it principally that they have seen or felt more keenly than others. Thousands of people have not only seen but noted the same things and to the average man the emotional content of his own experiences is as poignant as anything which he receives from fiction. These writers differ from the average man chiefly in their power of communication. When he sets down his feelings they remain with the aid of memory vivid to himself, but they do not carry across the gulf which separates mind from mind, and when a writer writes with ridiculous exaggeration it is simply because he knows that only by shouting can he transmit any impression whatever through the muffling medium of words. Those writers who like Bunin and Miss Mansfield seek only to reproduce the flavor of ordinary life are great in proportion as they are able to keep their work from being like the poetry of the unfortunate Mendoza in "Man and Superman": "Divine poetry to me, doggerel to all the rest of the world."

J. W. KRUTCH

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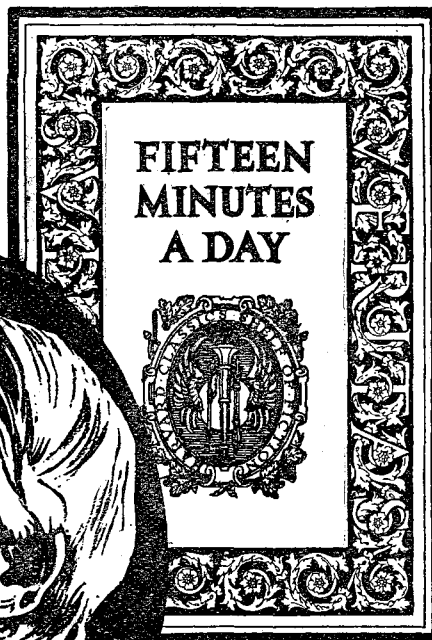
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International Relations Section

Ireland's Constitution

THE following text of the draft constitution of the Irish Free State was recently published in England as a parliamentary paper.

PRELIMINARY

These presents shall be construed with reference to the articles of agreement for a treaty between Great Britain and Ireland set forth in the schedule hereto annexed (hereinafter referred to as "the Scheduled Treaty") which are hereby given the force of law, and if any provision of this constitution or of any amendment thereof or of any law made thereunder is in any respect repugnant to any of the provisions of the Scheduled Treaty, it shall, to the extent only of such repugnancy be absolutely void and inoperative and the Parliament and the Executive Council of the Irish Free State shall respectively pass such further legislation and do all such other things as may be necessary to implement the Scheduled Treaty.

SECTION I. FUNDAMENTAL RIGHTS

ARTICLE 1. The Irish Free State (Saorstát Eireann) is a co-equal member of the community of nations forming the British Commonwealth of Nations.

ART. 2. All powers of government and all authority, legislative, executive, and judicial, are derived from the people and the same shall be exercised in the Irish Free State (Saorstát Eireann) through the organizations established by or under, and in accord with, this constitution.

ART. 3. Every person domiciled in the Irish Free State (Saorstát Eireann) at the time of the coming into operation of this constitution who was born in Ireland or either of whose parents was born in Ireland or who has been so domiciled in the area of the jurisdiction of the Irish Free State (Saorstát Eireann) for not less than seven years is a citizen of the Irish Free State (Saorstát Eireann) and shall within the limits of the Irish Free State (Saorstát Eireann) enjoy the privileges and be subject to the obligations of such citizenship, provided that any such person being a citizen of another state may elect not to accept the citizenship hereby conferred; and the conditions governing the future acquisition and termination of citizenship in the Irish Free State (Saorstát Eireann) shall be determined by law. Men and women have equal rights as citizens.

ART. 4. The national language of the Irish Free State (Saorstát Eireann) is the Irish language, but the English language shall be equally recognized as an official language. Nothing in this article shall prevent special provisions being made by the Parliament (Oireachtas) for districts or areas in which only one language is in use.

ART. 5. No title of honor in respect of any services rendered in or in relation to the Irish Free State (Saorstát Eireann) may be conferred on any citizen of the Irish Free State (Saorstát Eireann) except with the approval or upon the advice of the Executive Council of the state.

ART. 6. The liberty of the person is inviolable and no person shall be deprived of his liberty except in accordance with law. Upon complaint made by or on behalf of any person that he is being unlawfully detained, the High Court (Ard Chúirt) and any and every judge thereof shall forthwith inquire into the same and may make an order requiring the person in whose custody such person shall be detained to produce the body of the person so detained before such court or judge without delay and to certify in writing as to the cause of the detention, and such court or judge shall thereupon order the release of such person unless satisfied that he is being detained in accordance with the law.

ART. 7. The dwelling of each citizen is inviolable and shall

not be forcibly entered except in accordance with law.

ART. 8. Freedom of conscience and the free profession and practice of religion are inviolable rights of every citizen, and no law may be made either directly or indirectly to endow any religion, or prohibit or restrict the free exercise thereof, or give any preference, or impose any disability on account of religious belief or religious status, or affect prejudicially the right of any child to attend a school receiving public money without attending the religious instruction at the school, or make any discrimination as respects state aid between schools under the management of different religious denominations, or divert from any religious denomination or any educational institution any of its property except for the purpose of roads, railways, lighting, water, or drainage works or other works of public utility, and on payment of compensation.

ART. 9. The right of free expression of opinion as well as the right to assemble peaceably and without arms, and to form associations or unions is guaranteed for purposes not opposed to public morality. Laws regulating the manner in which the right of forming associations and the right of free assembly may be exercised shall contain no political, religious, or class distinction.

ART. 10. All citizens of the Irish Free State (Saorstát Eireann) have the right to free elementary education.

ART. 11. The rights of the state in and to natural resources the use of which is of national importance, shall not be alienated. Their exploitation by private individuals or associations shall be permitted only under state supervision and in accordance with conditions and regulations approved by legislation.

SECTION II. LEGISLATIVE PROVISIONS

A. The Legislature

ART. 12. A Legislature is hereby created to be known as the Parliament of the Irish Free State (Oireachtas). It shall consist of the King and two houses: the Chamber of Deputies (Dáil Eireann) and the Senate (Seanad Eireann). The power of making laws for the peace, order, and good government of the Irish Free State (Saorstát Eireann) is vested in the Parliament (Oireachtas).

ART. 13. The Parliament (Oireachtas) shall sit in or near the city of Dublin or in such other place as from time to time it may determine.

ART. 14. All citizens of the Irish Free State (Saorstát Eireann) without distinction of sex, who have reached the age of twenty-one years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of the Chamber of Deputies (Dáil Eireann), and to take part in the referendum or initiative. All citizens of the Irish Free State (Saorstát Eireann) without distinction of sex who have reached the age of thirty years and who comply with the provisions of the prevailing electoral laws, shall have the right to vote for members of the Senate (Seanad Eireann). No voter may exercise more than one vote and the voting shall be by secret ballot. The mode and place of exercising this right shall be determined by law.

ART. 15. Every citizen who has reached the age of twenty-one years and who is not placed under disability or incapacity by the constitution or by law shall be eligible to become a member of the Chamber of Deputies (Dáil Eireann).

ART. 16. No person may be at the same time a member both of the Chamber (Dáil Eireann) and of the Senate (Seanad Eireann).

ART. 17. The oath to be taken by Members of Parliament (Oireachtas) shall be in the following form:

I do solemnly swear true faith and allegiance to the constitution of the Irish Free State as by law established, and that I will be faithful to H. M. King George V, his heirs and successors by law in virtue of the common citizenship of Ireland with Great Britain

and her adherence to and membership of the group of nations forming the British Commonwealth of Nations.

Such oath shall be taken and subscribed by every member of the Parliament (Oireachtas) before taking his seat therein before the Representative of the Crown or some person authorized by him.

ART. 18. Every member of the Parliament (Oireachtas) shall, except in case of treason, felony, or breach of the peace, be privileged from arrest in going to and returning from, and while within the precincts of either house, and shall not be amenable to any action or proceeding at law in respect of any trespass in either house.

ART. 19. All reports and publications of the Parliament (Oireachtas) or of either house thereof shall be privileged and utterances made in either house, wherever published, shall be privileged.

ART. 20. Each house shall make its own rules and standing orders, with power to attach penalties for their infringement and shall have power to insure freedom of debate, to protect its official documents and the private papers of its members, and to protect itself and its members against any person or persons interfering with, molesting, or attempting to corrupt its members in the exercise of their duties.

ART. 21. Each house shall elect its own chairman and deputy chairman and shall prescribe their powers, duties, and terms of office.

ART. 22. All matters in each house shall, save as otherwise provided by this constitution, be determined by a majority of the votes of the members present other than the chairman or presiding member, who shall have and exercise a casting vote in the case of an equality of votes. The number of members necessary to constitute a meeting of either house for the exercise of its powers shall be determined by its standing orders.

ART. 23. The Parliament (Oireachtas) shall make provision for the payment of its members and may, in addition, provide them with free traveling facilities in any part of Ireland.

ART. 24. The Parliament (Oireachtas) shall hold at least one session each year. The Parliament (Oireachtas) shall be summoned and dissolved by the Representative of the Crown in the name of the King and subject as aforesaid the Chamber (Dail Eireann) shall fix the date of reassembly of the Parliament (Oireachtas) and the date of the conclusion of the session of each house provided that the sessions of the Senate (Seanad Eireann) shall not be concluded without its own consent.

ART. 25. Sittings of each house of the Parliament (Oireachtas) shall be public. In cases of special emergency either house may hold a private sitting with the assent of two-thirds of the members present.

B. The Chamber of Deputies (Dail Eireann)

ART. 26. The Chamber (Dail Eireann) shall be composed of members who represent constituencies determined by law. The number of members shall be fixed from time to time by the Parliament (Oireachtas) but the total number of members of the Chamber (Dail Eireann) shall not be fixed at less than one member for each thirty thousand of the population, or at more than one member for each twenty thousand of the population: provided that the proportion between the number of members to be elected at any time for each constituency and the population of each constituency, as ascertained at the last preceding census, shall, so far as possible, be identical throughout the country. The members shall be elected upon principles of proportional representation. The Parliament (Oireachtas) shall revise the constituencies at least once in every ten years, with due regard to changes in distribution of the population, but any alterations in the constituencies shall not take effect during the life of the Chamber (Dail Eireann) sitting when such revision is made.

ART. 27. At a general election for the Chamber (Dail Eireann) the polls shall be held on the same day throughout the country and that day shall be a day not later than thirty days after the date of the dissolution and shall be proclaimed a public holiday.

The Chamber (Dail Eireann) shall meet within one month of such day, and shall unless earlier dissolved continue for four years from the date of its first meeting and not longer. The Chamber (Dail Eireann) may not at any time be dissolved except on the advice of the Executive Council.

ART. 28. In case of death, resignation, or disqualification of a member of the Chamber (Dail Eireann), the vacancy shall be filled by election in manner to be determined by law.

C. The Senate (Seanad Eireann)

ART. 29. The Senate (Seanad Eireann) shall be composed of citizens who have done honor to the nation by reason of useful public service or who, because of special qualifications or attainments, represent important aspects of the nation's life.

ART. 30. Every university in the Irish Free State (Saorstát Eireann) shall be entitled to elect two representatives to the Senate (Seanad Eireann). The number of Senators exclusive of the university members shall be fifty-six. A citizen to be eligible for membership of the Senate (Seanad) must be a person eligible to become a member of the Chamber (Dail Eireann) and must have reached the age of thirty-five years. Subject to any provision for the constitution of the first Senate (Seanad) the term of office of a member of the Senate (Seanad) shall be twelve years.

ART. 31. One-fourth of the members of the Senate (Seanad Eireann) exclusive of the university members shall be elected every three years from a panel constituted as hereinafter mentioned at an election at which the Irish Free State (Saorstát Eireann) shall form one electoral area, and the elections shall be held on principles of proportional representation. One member shall be elected by each university entitled to representation in the Senate (Seanad) every six years.

ART. 32. Before each election of members of the Senate (Seanad Eireann)—other than university members—a panel shall be formed consisting of:

(a) Three times as many qualified persons as there are members to be elected of whom two-thirds shall be nominated by the Chamber (Dail Eireann) voting according to principles of proportional representation and one-third shall be nominated by the Senate (Seanad Eireann) voting according to principles of proportional representation; and

(b) Such persons who have at any time been members of the Senate (Seanad)—including members about to retire—as signify by notice in writing addressed to the president of the Executive Council their desire to be included in the panel.

The method of proposal and selection for nomination shall be decided by the Chamber (Dail) and Senate (Seanad) respectively with special reference to the necessity for arranging for the representation of important interests and institutions in the country: Provided that each proposal shall be in writing and shall state the qualifications of the person proposed. As soon as the panel has been formed a list of the names of the members of the panel arranged in alphabetical order with their qualifications shall be published.

ART. 33. In case of the death, resignation, or disqualification of a member of the Senate (Seanad Eireann)—other than a university member—his place shall be filled by a vote of the Senate (Seanad). Any Senator so chosen shall retire from office at the conclusion of the three-year period then running and the vacancy or vacancies thus created shall be additional to the places to be filled under Article 31. The term of office of the members chosen at the election after the first fourteen elected shall conclude at the end of the period or periods at which the Senator or Senators by whose death or withdrawal the vacancy or vacancies was or were originally created would be due to retire: Provided that the fifteenth member shall be deemed to have filled the vacancy first created in order of time and so on.

In case of the death, resignation, or disqualification of a university member of the Senate (Seanad), the university by which he was elected shall elect a person to fill his place, and

the member so elected shall hold office so long as the member in whose place he was elected would have held office.

D. Legislation

ART. 34. The Chamber (Dail Eireann) shall in relation to the subject matter of money bills as hereinafter defined have legislative authority exclusive of the Senate (Seanad Eireann).

A money bill means a bill which contains only provisions dealing with all or any of the following subjects, namely, the imposition, repeal, remission, alteration, or regulation of taxation; the imposition for the payment of debt or other financial purposes of charges on public moneys or the variation or repeal of any such charges; supply; the appropriation, receipt, custody, issue, or audit of accounts of public money; the raising or guaranty of any loan or the repayment thereof; subordinate matters incidental to those subjects or any of them. In this definition the expression "taxation," "public money," and "loan" respectively do not include any taxation, money, or loan raised by local authorities or bodies for local purposes.

The chairman of the Chamber (Dail) shall certify any bill which in his opinion is a money bill to be a money bill, but if within three days after a bill has been passed by the Chamber (Dail) two-fifths of the members of either house by notice in writing addressed to the chairman of the house of which they are members so require, the question whether the bill is or is not a money bill shall be referred to a committee of privileges consisting of three members elected by each house with a chairman who shall be the senior judge of the Supreme Court able and willing to act, and who, in the case of an equality of votes, but not otherwise, shall be entitled to vote. The decision of the committee on the question shall be final and conclusive.

ART. 35. The Chamber (Dail Eireann) shall as soon as possible after the commencement of each financial year consider the budget of receipts and expenditure of the Irish Free State (Saorstát Eireann) for that year, and, save in so far as may be provided by specific enactment in each case, the legislation required to give effect to the budget of each year shall be enacted within that year.

ART. 36. Money shall not be appropriated by vote, resolution, or law, unless the purpose of the appropriation has in the same session been recommended by a message from the Representative of the Crown acting on the advice of the Executive Council.

ART. 37. Every bill initiated in and passed by the Chamber (Dail Eireann) shall be sent to the Senate (Seanad Eireann) and may, unless it be a money bill, be amended in the Senate (Seanad Eireann) and the Chamber (Dail Eireann) shall consider any such amendment; but a bill passed by the Chamber (Dail Eireann) and considered by the Senate (Seanad Eireann) shall, not later than two hundred and seventy days after it shall have been first sent to the Senate (Seanad), or such longer period as may be agreed upon by the two houses, be deemed to be passed by both houses in its form as last passed by the Chamber (Dail): Provided that any money bill shall be sent to the Senate (Seanad) for its recommendations and at a period not longer than fourteen days after it shall have been sent to the Senate (Seanad) it shall be returned to the Chamber (Dail) which may pass it, accepting or rejecting all or any of the recommendations of the Senate (Seanad), and as so passed shall be deemed to have been passed by both houses. When a bill other than a money bill has been sent to the Senate (Seanad) a joint sitting of the members of both houses may on a resolution passed by the Senate (Seanad) be convened for the purpose of debating, but not of voting upon, the proposals of the bill or any amendment of the same.

ART. 38. A bill may be initiated in the Senate (Seanad Eireann) and if passed by the Senate (Seanad) shall be introduced into the Chamber (Dail Eireann). If amended by the Chamber (Dail) the bill shall be considered as a bill initiated in the Chamber (Dail). If rejected by the Chamber (Dail) it shall not be introduced again in the same session, but

the Chamber (Dail) may reconsider it on its own motion.

ART. 39. A bill passed by either house and accepted by the other house shall be deemed to be passed by both houses.

ART. 40. So soon as any bill shall have been passed or deemed to have been passed by both houses, the Executive Council shall present the same to the Representative of the Crown in the signification by him, in the King's name, of the King's assent, and such Representative may withhold the King's assent or reserve the bill for the signification of the King's pleasure: Provided that the Representative of the Crown shall not withhold such assent to or the reservation of any bill act in accordance with the law, practice, and constitutional usage governing the like withholding of assent or reservation in the Dominion of Canada.

A bill reserved for the signification of the King's Pleasure shall not have any force unless and until within one year from the day on which it was presented to the Representative of the Crown for the King's assent, the Representative of the Crown signifies by speech or message to each of the houses of the Parliament (Oireachtas), or by proclamation, that it has received the assent of the King in Council.

An entry of every such speech, message, or proclamation shall be made in the journal of each house and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the records of the Irish Free State (Saorstát Eireann).

ART. 41. As soon as may be after any law has received the King's Assent, the clerk, or such officer as the Chamber may appoint for the purpose, shall cause two fair copies of such law to be made, one being in the Irish language and the other in the English language (one of which copies shall be signed by the Representative of the Crown to be enrolled for record in the office of such officer of the Supreme Court as the Chamber [Dail Eireann] may determine), and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies so deposited, the signed by the Representative of the Crown shall prevail.

ART. 42. The Parliament (Oireachtas) shall have no power to declare acts to be infringements of the law which were not so at the date of their commission.

ART. 43. The Parliament (Oireachtas) may create subordinate legislatures, but it shall not confer thereon any powers in respect of the navy, army, or air force, alienage or naturalization, coinage, legal tender, trade marks, designs, merchandise marks, copyright, patent rights, weights and measures, submarine cables, wireless telegraphy, post office, railways, aeronavigation, customs and excise.

ART. 44. The Parliament (Oireachtas) may provide for the establishment of functional or vocational councils representing branches of the social and economic life of the nation. A law establishing any such council shall determine its powers, rights and duties, and its relation to the government of the Irish Free State (Saorstát Eireann).

ART. 45. The Parliament (Oireachtas) has the exclusive right to regulate the raising and maintaining of such armed forces as are mentioned in the Scheduled Treaty in the territory of the Irish Free State (Saorstát) and every such force shall be subject to the control of the Parliament (Oireachtas).

E. Referendum and Initiative

ART. 46. Any bill passed or deemed to have been passed by both houses may be suspended for a period of ninety days on the written demand of two-fifths of the members of the Chamber (Dail Eireann) or of a majority of the members of the Senate (Seanad Eireann) presented to the president of the Executive Council not later than seven days from the day on which such bill shall have been so passed or deemed to have been so passed. Such a bill shall be submitted by referendum to the decision of the people if demanded before the expiration of the ninety days: either by a resolution of the Senate (Seanad Eireann) assented to by three-fifths of the members of the Senate (Seanad Eireann) or by a petition signed by not less than one-twentieth

of the voters then on the register of voters, and the decision of the people on such referendum shall be conclusive. These provisions shall not apply to money bills or to such bills as shall be declared by both houses to be necessary for the immediate preservation of the public peace, health, or safety.

ART. 47. The Parliament (Oireachtas) may provide for the initiation by the people of proposals for laws or constitutional amendments. Should the Parliament (Oireachtas) fail to make such provision within two years, it shall on the petition of not less than one hundred thousand voters on the register of whom not more than twenty thousand shall be voters in any one constituency, either make such provisions or submit the question to the people for decision in accordance with the ordinary regulations governing the referendum. Any legislation passed by the Parliament (Oireachtas) providing for such initiation by the people shall provide (1) that such proposals may be initiated on a petition of fifty thousand voters on the register, (2) that if the Parliament (Oireachtas) rejects a proposal so initiated it shall be submitted to the people for decision in accordance with the ordinary regulations governing the referendum; and (3) that if the Parliament (Oireachtas) enacts a proposal so initiated such enactment shall be subject to the provisions respecting ordinary legislation or amendments of the constitution as the case may be.

ART. 48. Save in the case of actual invasion, the Irish Free State (Saorstát Éireann) shall not be committed to active participation in any war without the assent of the Parliament (Oireachtas).

ART. 49. Amendments of this constitution within the terms of the Scheduled Treaty may be made by the Parliament (Oireachtas) but every such amendment must be submitted to a referendum of the people and shall not be passed unless a majority of the voters on the register record their votes and either a majority of the voters on the register or two-thirds of the votes recorded are in favor of the amendment.

SECTION III. THE EXECUTIVE

A. Executive Council (*Aireacht*)

ART. 50. The executive authority of the Irish Free State (Saorstát Éireann) is hereby declared to be vested in the King, and shall be exercisable, in accordance with the law, practice, and constitutional usage governing the exercise of the executive authority in the case of the Dominion of Canada, by the representative of the Crown. There shall be a council to aid and advise in the government of the Irish Free State (Saorstát Éireann) to be styled the Executive Council (*Aireacht*). The Executive Council shall be responsible to the Chamber (Dail Éireann), and shall consist of not more than twelve ministers (*Airi*) appointed by the Representative of the Crown, of whom four ministers shall be members of the Chamber (Dail Éireann) and a number not exceeding eight, chosen from all citizens eligible for election to the Chamber (Dail Éireann), who shall not be members of Parliament (Oireachtas) during their term of office, and who, if at the time of their appointment they are members of Parliament (Oireachtas), shall by virtue of such appointment vacate their seats: Provided that the Chamber (Dail Éireann) may from time to time on the motion of the president of the Executive Council determine that a particular minister or ministers not exceeding three may be members of Parliament (Oireachtas) in addition to the four members of the Chamber (Dail Éireann) above mentioned.

ART. 51. The ministers who are required to be members of the Chamber (Dail Éireann) shall include the president of the Executive Council (*Uachtarán*) and the vice-president of the Executive Council (*Tánaist*).

The president of the Executive Council shall be the chief of the Executive Council and shall be appointed on the nomination of the Chamber (Dail), and the vice-president of the Executive Council and the other ministers who are members of the Parliament (Oireachtas) shall be appointed on the nomination of the

president of the Executive Council; and he and the ministers nominated by him shall retire from office should he fail to be supported by a majority in the Chamber (Dail), but the president of the Executive Council and such ministers shall continue to carry on their duties until their successors are appointed.

ART. 52. Ministers who are not members of the Parliament (Oireachtas) shall be nominated by a committee of members of the Chamber (Dail Éireann) chosen by a method to be determined by the Chamber (Dail) so as to be impartially representative of the Chamber (Dail). Such ministers shall be chosen with due regard to their suitability for office and should, as far as possible, be generally representative of the Irish Free State (Saorstát Éireann) as a whole rather than of groups or of parties. Should a nomination not be acceptable to the Chamber (Dail), the committee shall continue to propose names until one is found acceptable.

ART. 53. Each minister not a member of the Parliament (Oireachtas) shall be the responsible head of the executive department or departments as head of which he has been appointed as aforesaid: Provided that should arrangements for functional or vocational councils be made by the Parliament (Oireachtas) these ministers or any of them may, should the Parliament (Oireachtas) so decide, be members of and be nominated on the advice of such councils. The term of office of any such minister shall be the term of the Chamber (Dail Éireann) existing at the time of his appointment or such other period as may be fixed by law, but he shall continue in office until his successor shall have been appointed; and no such minister shall be removed from office during his term unless the proposal to remove him has been previously submitted to a committee chosen by a method to be determined by the Chamber (Dail) so as to be impartially representative of the Chamber (Dail) and then only if the committee shall have reported that such minister has been guilty of malfeasance in office, or has not been performing his duties in a competent and satisfactory manner, or has failed to carry out the lawfully expressed will of Parliament (Oireachtas).

ART. 54. The ministers who are members of the Parliament (Oireachtas) shall alone be responsible for all matters relating to external affairs, whether policy, negotiations, or executive acts. Subject to the foregoing provision, the Executive Council shall meet and act as a collective authority: Provided, however, that each minister shall be individually responsible to the Chamber (Dail Éireann) for the administration of the department or departments of which he is head.

ART. 55. Ministers who are not members of the Chamber (Dail Éireann) shall by virtue of their office possess all the rights and privileges of a member of the Chamber (Dail) except the right to vote, and shall, if not members of the Parliament (Oireachtas), comply with the provisions of Article 17 as if they were members of the Chamber (Dail), and may be required by the Chamber (Dail) to attend and answer questions.

ART. 56. Should the president of the Executive Council die, resign, or be permanently incapacitated, the vice-president of the Executive Council shall act in his place until a president of the Executive Council shall be elected. The vice-president of the Executive Council shall also act in the place of the president of the Executive Council during his temporary absence.

ART. 57. The members of the Executive Council shall receive such remuneration as may from time to time be prescribed by law, but the remuneration of any minister shall not be diminished during his term of office.

ART. 58. The Representatives of the Crown, who shall be styled the Governor General of the Irish Free State, shall be appointed in like manner as the Governor General of Canada and in accordance with the practice observed in the making of such appointments. The salary of the Governor General of the Irish Free State shall be of the like amount as that now payable to the Governor General of the Commonwealth of

Australia and shall be charged on the public funds of the Irish Free State (Saorstát Éireann) and suitable provision shall be made out of those funds for the maintenance of his official residence and establishment.

ART. 59. The Executive Council shall prepare the budget of receipts and expenditure of the Irish Free State (Saorstát Éireann) for each financial year and shall present it to the Chamber (Dail Éireann) before the close of the previous financial year.

B. Financial Control

ART. 60. All revenues of the Irish Free State (Saorstát Éireann) from whatever source arising shall, subject to such exception as may be provided by law, form one fund, and shall be appropriated for the purposes of the Irish Free State (Saorstát Éireann) in the manner and subject to the charges and liabilities imposed by law.

ART. 61. The Chamber (Dail Éireann) shall appoint a comptroller and auditor-general to act on behalf of the Irish Free State (Saorstát Éireann). He shall control all disbursements and shall audit all accounts of moneys administered by or under the authority of the Parliament (Oireachtas) and shall report to the Chamber (Dail) at stated periods to be determined by law.

ART. 62. The comptroller and auditor-general shall not be removed except for stated misbehavior or incapacity on resolutions passed by the Chamber (Dail Éireann) and the Senate (Seanad Éireann). Subject to this provision the terms and conditions of his tenure of office shall be fixed by law. He shall not be a member of the Parliament (Oireachtas) nor shall he hold any other office or position of emolument.

SECTION IV. THE JUDICIARY

ART. 63. The judicial power of the Irish Free State (Saorstát Éireann) shall be exercised and justice administered in the public courts established by Parliament (Oireachtas) by judges appointed in manner hereinafter provided. These courts shall comprise courts of first instance and a court of final appeal to be called the Supreme Court (Chúirt Uachtarach). The courts of first instance shall include a High Court (Ard Chúirt) invested with full original jurisdiction in and power to determine all matters and questions whether of law or fact, civil or criminal, and also courts of local and limited jurisdiction with a right of appeal as determined by law.

ART. 64. The judicial power of the High Court shall extend to the question of the validity of any law having regard to the provisions of the constitution. In all cases in which such matters shall come into question, the High Court alone shall exercise original jurisdiction.

ART. 65. The Supreme Court of the Irish Free State (Saorstát Éireann) shall, with such exceptions (not including cases which involve questions as to the validity of any law) and subject to such regulations as may be prescribed by law have appellate jurisdiction from all decisions of the High Court. The decision of the Supreme Court shall in all cases be final and conclusive, and shall not be reviewed or capable of being reviewed by any other court, tribunal, or authority whatsoever: Provided that nothing in this constitution shall impair the right of any person to petition His Majesty for special leave to appeal from the Supreme Court to His Majesty in Council or the right of His Majesty to grant such leave.

ART. 66. The number of judges, the constitution and organization of, and distribution of business and jurisdiction among, the said courts and judges, and all matters of procedure shall be as prescribed by the laws for the time being in force and the regulations made thereunder.

ART. 67. The judges of the Supreme Court and of the High Court and of all other courts established in pursuance of this constitution shall be appointed by the Representative of the Crown on the advice of the Executive Council. The judges of

the Supreme Court and of the High Court shall not be removed except for stated misbehavior or incapacity and then only by resolutions passed by both the Chamber (Dail Éireann) and the Senate (Seanad Éireann). The age of retirement, the remuneration and the pension of such judges on retirement, and the declarations to be taken by them on appointment shall be prescribed by law. Such remuneration may not be diminished during their continuance in office. The terms of appointment of the judges of such other courts as may be created shall be prescribed by law.

ART. 68. All judges shall be independent in the exercise of their functions and subject only to the constitution and the law. A judge shall not be eligible to sit in Parliament (Oireachtas) and shall not hold any other office or position of emolument.

ART. 69. No one shall be tried save in due course of law and extraordinary courts shall not be established. The jurisdiction of courts martial shall not be extended to or exercised over the civil population save in time of war, and for acts committed in time of war, and in accordance with the regulations to be prescribed by law. Such jurisdiction shall not be exercised in any area in which the civil courts are open or capable of being held, and no person shall be removed from one area to another for the purpose of creating such jurisdiction.

ART. 70. A member of the armed forces of the Irish Free State (Saorstát Éireann) not on active service shall not be tried by any court martial for an offense cognizable by the civil courts.

ART. 71. No person shall, save in case of summary jurisdiction prescribed by law for minor offenses, be tried without a jury on any criminal charge.

SECTION V. TRANSITORY PROVISIONS

ART. 72. Subject to this constitution and to the extent to which they are not inconsistent therewith, the laws in force in the Irish Free State (Saorstát Éireann) at the date of the coming into operation of this constitution shall continue to be of full force and effect until the same or any of them shall have been repealed or amended by enactment of the Parliament (Oireachtas).

ART. 73. Until courts have been established for the Irish Free State (Saorstát Éireann) in accordance with this constitution the Supreme Court of Judicature, County Courts, Courts of Quarter Session, and Courts of Summary Jurisdiction, as at present existing, shall for the time being continue to exercise the same jurisdiction as heretofore, and any judge or justice, being a member of any such court, holding office at the time when this constitution comes into operation, shall for the time being continue to be a member thereof and hold office by the like tenure and upon the like terms as heretofore, unless, in the case of a judge of the said Supreme Court or of a County Court, he signifies to the Representative of the Crown his desire to resign. Any vacancies in any of the said courts so continued may be filled by appointment made in like manner as appointments to judgeships in the courts established under this constitution: Provided that the provisions of Article 65 as to the decisions of the Supreme Court established under this constitution shall apply to decisions of the Court of Appeal continued by this article.

ART. 74. If any judge of the said Supreme Court of Judicature or of any of the said county courts resigns as aforesaid, or if any such judge, on the establishment of courts under this constitution, is not with his consent appointed to be a judge of any such court, he shall, for the purpose of Article 10 of the Scheduled Treaty, be treated as if he had retired in consequence of the change of government effected in pursuance of the said treaty, but the rights so conferred shall be without prejudice to any rights or claims that he may have against the British Government.

ART. 75. Every existing officer of the Provisional Government who has been transferred to that Government from the British Government, and every existing officer of the British Govern-

ment who, at the date of the coming into operation of this constitution, is engaged or employed in the administration of public services which on that date become public services of the Irish Free State (Saorstát Éireann)—except those whose services have been lent by the British Government to the Provisional Government—shall on that date be transferred to and become an officer of the Irish Free State (Saorstát Éireann) and shall hold office by a tenure corresponding to his previous tenure, and shall be entitled to the benefit of Article 10 of the Scheduled Treaty.

ART. 76. As respects departmental property, assets, rights, and liabilities, the Government of the Irish Free State (Saorstát Éireann) shall be regarded as the successors of the Provisional Government, and, to the extent to which functions of any department of the British Government become functions of the Government of the Irish Free State (Saorstát Éireann), as the successors of such department of the British Government.

ART. 77. After the date on which this constitution comes into operation the House of the Parliament elected in pursuance of the Irish Free State (Agreement) Act, 1922 (being the constituent assembly for the settlement of this constitution) may, for a period not exceeding one year from that date, but subject to compliance by the members thereof with the provisions of Article 17 of this constitution, exercise all the powers and authorities conferred on the Chamber (Dail Éireann) by this constitution, and the first election for the Chamber (Dail Éireann) under Articles 26 and 27 hereof shall take place as soon as possible after the expiration of such period.

ART. 78. The first Senate (Seanad Éireann) shall be constituted immediately after the coming into operation of this constitution in the manner following, that is to say:

(a) The first Senate (Seanad) shall consist of two members elected by each of the universities in the Irish Free State (Saorstát Éireann) and fifty-six other members, of whom twenty-eight shall be elected and twenty-eight shall be nominated;

(b) The twenty-eight nominated members of the Senate (Seanad) shall be nominated by the president of the Executive Council who shall, in making such nominations, have special regard to the providing of representation for groups or parties not adequately represented in the Chamber (Dail);

(c) The twenty-eight elected members of the Senate (Seanad) shall be elected by the Chamber (Dail Éireann) voting on principles of proportional representation;

(d) Of the university members one member elected by each university, to be selected by lot, shall hold office for six years, the remaining university members shall hold office for the full period of twelve years;

(e) Of the twenty-eight nominated members fourteen, to be selected by lot, shall hold office for the full period of twelve years, the remaining fourteen shall hold office for the period of six years;

(f) Of the twenty-eight elected members the first fourteen elected shall hold office for the period of nine years, the remaining fourteen shall hold office for the period of three years;

(g) At the termination of the period of office of any such members, members shall be elected in their place in manner provided by Article 31;

(h) Casual vacancies shall be filled in manner provided by Article 33;

(i) For the purpose of the election of members for any university under this article, all persons whose names appear on the register for the university in force at the date of the coming into operation of this constitution shall, notwithstanding anything in Article 14, be entitled to vote.

ART. 79. The passing and adoption of this constitution by the Constituent Assembly and the British Parliament shall be announced as soon as may be, and not later than the sixth day of December, nineteen hundred and twenty-two, by proclamation of His Majesty and this constitution shall come into operation on the issue of such proclamation.



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